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DIRECTORATE OF DISTANCE EDUCATION

PUBLIC ADMINISTRATION

M.A., SECOND YEAR

PAPER - VI

INDIAN ADMINISTRATION

MADURAI KAMARAJ UNIVERSITY
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M.A., PUBLIC ADMINISTRATION **INDIAN ADMINISTRATION**
SECOND YEAR

Dear student,

Indian Administration is one of the paper assigned to you for this second year. It deals about all aspects of Indian Administration starts with evolution to reforms Study well and attend the contact seminars which arranged by the Institute.

Best wishes,

Department of Public Administration,
D.D.E.

Syllabus

PAPER - VI

INDIAN ADMINISTRATION

Historical Development of Indian Administration - Institution framework of Indian Administration - Structure of Central Administration - Central Secretariat - Cabinet secretariat - Ministry Home Affairs.

Centre - State Relations - Finance Commission - Civil Services - All India Services- State Services - Union Public Service Commission - Rights and Duties of Government servants.

Planning in India - Planning Commission - Five year plans.

Public Sector undertaking - origin - organisation - types - status of public sector Undertakings to-day.

State Administration - framework - State Secretariat - Executive Departments.

District Administration - Panchayati Raj.

Grievances of people - Lokpal - Judicial Activism.

Administrative Reforms in India.

SCHEME OF LESSONS

Lesson No.	Topic
1.	Evolution of Indian Administration
2.	Institutional framework of Indian Administration
3.	Central Secretariat
4.	Ministries and Departments of Government of India
5.	Cabinet secretariat
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19.	Ombudsman System
20.	Judicial Activism
21.	Administrative Reforms

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LESSON - 1

EVOLUTION OF INDIAN ADMINISTRATION

Constitutional Development in India during the role of the East India Company

The Evolution of Indian Administration is started during British rule from East India Company. The first Important constitutional landmark during the rule of the East India Company was the passing of the Regulating Act of 1773. The Regulating Act of 1773 was followed by the Pitt's Indian Act of 1784; the Charter Acts of 1793, 1813, 1833 and 1853 The Revolt of 1857 provided the British Government an opportunity to take over the administration of India from the East India Company and this was so done by the Proclamation of Queen Victoria in 1858.

The Revolt of 1857 or Sepoy Mutiny

This great revolt was a manysided protest against the policies and doings of the alien British ruler, of national dissatisfaction and resentment-the distribution of the greased cartridges to the Indian sepoys being merely the spark that lighted the powdered of discontent and frustration. The revolt of 1857 was the first challenge to British domination in India and a courageous effort to restore indigenous India authority The most immediate effect was the transfer of the government of the Company to the crown by the Proclamation of Queen Victoria on 1st November 1858. The passing of the Government of India Act, 1858, followed it.

The Government of India Act, 1858

The Government of India Act, 1858 was the first Statute enacted by the British Government for their direct rule over the country. It was based on the principle of absolute imperial control over the administration and involved no popular participation in it

By the Act of 1858, the powers of the Crown were to be exercised by the Secretary of State for India, assisted by a Council of fifteen members (known as the Council of India). The Council was composed exclusively of Englishmen; some of the members of this council were nominees of the crown while others were the representatives of the Directors of the East India Company.

The Act of 1858 divided the territory British India into Provinces. Each of the Indian provinces was to have a Governor or Lieutenant Governor. He was aided by an Executive Council.

Centralization

Before 1773, there was no central authority in India. There are three presidencies namely Bengal, Bombay and Madras were under East India Company's rule in India before 1773. Each presidency was governed by a Governor-in-Council. He was responsible directly to the Court of Directors in England.

The power was concentrated at the Center between 1773 and 1861. This centralization, to start with, was intended mainly to ensure a close control over the presidencies of Bombay and Madras in times of peace and war. The Regulating Act of 1773 restricted the power of the presidencies from making war or treaties without the sanction of the Governor-General-in-council. This trend took a significant turn, with the increasing control of the British Parliament over the affairs of the East India Company. The Pitt's India Act of 1784 placed Indian affairs under the direct control of the British Government by establishing a Board of Control representing the British Cabinet The Board was "authorized and empowered from time to time to superintend, direct and control all acts, operations and concerns which in any-wise relate to civil or military government or revenues of British Territorial possessions", and "the Court of Directors of the East India Company were required to pay due obedience (and be) governed and bound by such orders as they shall, from time to time, receive from the said Board " Though the legal fiction that the Court of Directors were responsible for the affairs of the East India Company continued till 1858, by this Act the real power had passed into the hands of the Board of Control. The Same Act further amplified the power of control and superintendence of the Governor-General over the other presidencies by extending it to 'All transactions with country powers or the applications of the revenues or forces in time of war or any such other point as shall be referred by the Court of Directors to their control".

The final step towards centralization was taken by the Charter Act of 1833 by which the Governor-General of Bengal became the Governor General of India, his government became known for the first time as the Government of India; its authority became coextensive with the area of British possessions in India and the independent legislative powers formerly exercised by the governments of Madras and Bombay were taken away. Further, in its dispatch dated 10 December 1834 accompanying the Charter Act of 1833, the board enjoined upon the Government of India the need to exercise the authority conferred upon it by the Act.

Growth of Departments

The Commercial origin of British administration in India is responsible for the

Centralization of power. The acquisition of territorial sovereignty and the increasing need for prompt decision in an expanding empire did lead to the vesting of more and more powers in the general, but the fundamental principle of collective rule and responsibility was not affected. The Regulating Act of 1773 had created a council of four members.

All government affairs were conducted by the council till the introduction of the portfolio system in 1859 by Lord Canning. The portfolio system is nothing but the governor-general would appoint a member of the council in charges of one or more departments of the government and he would issue orders on behalf of the Governor-General in council. The introduction of the portfolio system had some important results. In the first place, the wheels of the government now turned with greater speed and efficiency. Secondly, the members of the council came to be recognized as the heads of their departments and thus acquired a greater degree of initiative and responsibility over the functioning of their departments.

The number of departments steadily increased from 1843. Public Works was separated from the Home department and the Public Works department was formed in 1855, the Legislative Department came into being in 1869 and in 1871, matters relating to Revenue, Agriculture and Commerce were taken away form the Home department, to form the Department of Revenue, Agriculture and Commerce. Duties were being transferred from one department to the other, in the process of reorganization.

British Policy and Administration After 1858

In order to win the goodwill of the people the British decided to associate a few influential Indians in making laws for the country. As a result, the Indian Councils Act was passed in 1861. This Act enlarged the Council of the Viceroy for the purpose of maintaining laws, by addition of not less than six and not more than twelve members to this Council. These members were to be nominated by the Viceroy and it was understood that most of them would be Indians. This Act also made provision for the establishment of Legislative Councils in the Presidencies of Madras and Bombay and the Provinces of Bengal, United Provinces (now Uttar Pradesh) and the Punjab. According to this Act the administration of the country was divided into several branches and the Legislative Councils were given to make laws with the help of the Governors of this respective Provinces. Thus the business of government was largely decentralized The promulgation of Lord Mayo's Resolution in 1870 conferred more powers to the Provincial Governments. It is a measure of decentralization and led to more responsible Provincial Governments.

The Provincial Governments were given a share in the revenues instead of a fixed grant from the Center. They could make use of this money according to their own requirements and could make their annual budgets. When Lord Ripon became Viceroy of India in 1880, he decided to take steps to make the Indian government more liberal. He showed a sympathetic attitude towards Indians and respected their legitimate rights and aspirations. He wanted that Indians should be trained to take an active part in local self-government institutions. The historic document of Magna Carta in India is the Act of 1882. It conferred more powers to the local bodies in India and Lord Ripon is called as Farther of Local Self-Government. The British Parliament passed the Indian councils Act of 1892. This Act enlarged the Legislative Councils, both at the Center and in the Provinces by increasing the number of additional members.

The Indian Council Act, 1909

The Indian Councils Act of 1909 was passed. But it was popularly known as Morley-Minto Reforms, may be said to be first great step in the constitutional development of India. It introduced a system of representative (but not responsible) government and recognized formally the principle of election, though the franchise was still based on recognized property-interests. The Act also introduced, for the first time, separate communal electorates for Muslims.

This Act disappointed Indians because instead of a responsible government it gave them a 'benevolent despotism'. It showed the government was "willing to consult to a limited extent the wishes of its subjects, but unwilling to resign any fraction of its power.. ... On the one hand, Indians had received an increasing share in the administration of the country and increasing opportunities of influencing and criticizing the government; on the other hand, they had no real political power and consequently no reason for political responsibility.

The period 1909-19 marked another important phase of British rule in India. It was during these years that the question of Indian political liberation was brought "to the forefront of world political question'.

The British realized that they could not stop the rising tide of Indian nationalism. Also, they recognized that India had greatly contributed to rescuing Great Britain from her national crisis, by providing her with men, money and materials.

The Government of India Act, 1919

The Government of India Act, 1919 commonly referred to as Montague-

Chelmsford Reforms, provided a new Constitution for British India It introduced 'Dyarchy' in the Provincial Cabinets and a Bicameral instead of a Unicameral Legislature at the Center The Act also accepted the principle of 'fiscal autonomy' and provided for the appointment of a statutory commission on the expiry of 10 years to enquire into the working of the Government

The successful implementation of these reforms depended upon goodwill, friendliness and co-operation between Indians and the British. However, soon the oppressive execution of Rowlatt Act under which the civil rights and liberties were denied to the people of India and the 'Jallianwala Bagh tragedy' not only foredoomed the failure of these reforms but also caused tremendous bitterness, estrangement and distrust between the two countries and left permanent scars on Indo-British relations.

India needed a new method and a new technique to fight against the unjust role and domination of the British Government At this critical juncture in Indian history that Mahatma Gandhi appeared on the stage and became principal actor in the political drama of India. He introduced a new feature that of non-violent passive resistance, as the political weapon against the military mighty of the British Empire.

The non-cooperation movement turned into the truly mass movement and completely unnerved the British Government. Though in February 1922, the movement was suspended because some violence had taken place at Chauri-Chaura, it had succeeded in shaking the foundations of British rule in India

In 1927, the British Government appointed the 'Simon Commission' under Sir John to study the Indian Constitutional problem with an all-British membership On its visit to India in 1928, it was received with black banners inscribed "Simon go back!" The Indian people also boycotted its proceedings because of its composition. In spite of non-cooperation from the Indian public, the commission gathered substantial information and its report were published in May 1930.

In the meantime, a few developments took place, which vitally affected the course of India's constitutional progress The victory of the British Labour Party in the national election of 1929, and the reiteration by Lord Irwin, the Viceroy of India on 31st October 1929 "that the natural issue of Indian's constitutional progress...... is the attainment of Dominion Status" raised hops of an amicable settlement of the Indian problem. But the insistence of the All-India Muslim Conference of 'separate electorate' and the All-Parties Conference for 'Joint electorate' dashed these hopes and created a deadlock, which could not even be resolved by the Round Table conferences of 1930,

1931 and 1932 The situation was further complicated by the announcement of the 'Communal Award' by the British Government, which gave the right to Europeans and Muslims to elect their own representatives. The Indian Christians, Anglo-Indians, and Scheduled Castes were also given separate voting rights.

Reforms of 1919

A major change of the organization took place with the passing of the Government of India Act of 1919 There were three main concepts on which the new scheme was based First, the central and provincial spheres were demarcated and distinguished from each other with greater clarity and precision. Secondly, the Provinces were considered to be the most suitable unit for beginning the experiment of self - government. Thirdly, an attempt was made to give more effective voice to the public in the conduct of the central government, though no element of responsibility was introduced this sphere.

Dyarchy in the Provinces

The Provincial subjects were further divided into 'transferred' and 'reserved'. Some of the important transferred subjects were local self-government, public health, medical relief, education, public works excluding irrigation, agriculture, cooperatives and excise The main reserved subjects were administration of justice, police, prisons, control of newspapers, land revenue, famine relief, irrigation, labour and finance. This division into 'transferred and 'reserved' subjects constituted the essence of dyarchy in the Provinces

The Executive government in the Provinces was constituted of two parts. One part consisting of the governor and his Executive council in charge of the reserved subjects, the other part consisting of minister, chosen by the Governor from among the elected members of the Provincial Legislatures

The Government of India Act, 1935

The proposals and finding of the Round Table Conferences and the recommendations of the joint Select Committee of the British Parliament were given legal form in the Government of India Bill. By this Act 1935, the Unitary form of government was superseded by a federal system under which the Provinces were given a much larger measures of local autonomy. This was intended as the prelude to an all-India federation, including the princely states. Main religious communities were given recognition and separate electorate was set up for each.

The Indian National Congress rejected the Act, because of the reserved powers of the Provincial Governors and the Governor-General, the absence of any reference to Dominion Status, separation of Burma from India, and over representation of the princely States in the federal Parliament.

The Provincial part of the Act began to operate partially on 3rd July 1936, and fully on 1st April 1937 The Second World War was intervened and the Governor-General announced that because of the compulsions of the international situation, they had no choice but to hold in suspense the work in connection with the preparations for federation The negotiations were, therefore, suspended.

The outbreak of the Second World War confronted the country with another major issue on which it differed from Britain. The Governor General without reference to or consultation with the representatives of the Indian people, made a declaration, which made India a belligerent in the War. India reacted sharply to this political high-handedness of the British Indian Government On 14th September 1939, the Congress Working Committee passed a resolution reiterating its demand 'that the issue of war and peace for India must be decided by the Indian people'. It also refused to support the British war effort unless Britain declared its war aims, introduced democracy in India and made some concrete gestures to convince Indians about hers sincerity to fulfill her promises. The only gesture which Britain made in response to these demands was a statement by the Governor-General issued on 18th October 1939, in which he repeated that Dominion status was his Majesty's Government's clear and positive policy towards India

In May 1940, a wartime coalition government headed by Winston Churchill was formed in Britain In an effort to enlist the support of the Indians for the war, the Government made another offer-known as the 'August Offer'.

Administrative System 1937-1947

The two basic concepts underlying the Government of India Act, 1935 were provincial autonomy and an all-India federation. The provincial part of the Act was inaugurated on 1 April 1937 but, for various reasons, the federal provisions could not be introduced at the same time. A unilateral declaration of war by the Viceroy and Governor-General on behalf of India, the Indian National Congress decided to withdraw it cooperation and by the end of 1939 Congress Ministries resigned

The responsible government was introduced by the Act It was important step in the constitutional development. The dyarchy was introduced by the Act of 1919

had proved a failure. The new Act therefore abolished the system by putting an en to the distinction between reserved and transferred subjects. Under the Act th executive authority of the province was exercised on behalf of His Majesty by th Governor who was given a council of ministers to aid and advise him in the exercis of his function, exception in so far he was required to act "in his discretion" or " ir exercise of his individual judgement".

Growth and Reorganization of Departments

The constitutional changes as a result of the Government of India Act, 1935 and the tremendous pressure of work due to the outbreak of war in 1939 brought about parallel changes in the departments.

Certain major changes took place at the end of the Second World War in 1945. Thus, the Department of Eduction, Health and Lands are split into three separate departments of education, health and agriculture.

With independence and transfer of administration from the Crown to the popular Government of India, all departments were renamed as ministries on 29 August 1947.

Model Question :

Trace the history of Indian Administration.

LESSON - 2

CONSTITUTIONAL FRAMEWORK OF INDIAN ADMINISTRATION

The Constitution of India has established a Parliamentary form of government in the country. Since the Indian polity is federal in character, the Constitution recognises two important levels of administration, namely, the centre and the states The feature of Parliamentary system of democracy is that the head of the state is a titular or nominal chief executive, while the real responsibility of governance of the country resides in the Prime Minister and his cabinet, and the cabinet exercises its executive powers under the scrutiny and overall control of Parliament. The Constitution of India provides for a Union government, which consists of a President and a Prime Minister with a Council of Ministers. The President is elected for a period of five years, and the executive powers of the Union government are exercised in his name. The Constitution vests certain powers of appointment in the President, but in actual practice the President only affixes his seal of approval to what the Prime Minister suggests. He summons the Houses of Parliament, prorogues the Houses and may dissolve the Lok Sabha. He has the power to withhold his assent or return the bills to Parliament for reconsideration In case of Money Bill he has no power to withhold his assent because no demand for a financial grant can be made in Parliament except on his recommendation. The Proclamation of Emergency - national, state or financial - is issued by him. Articles 74, 75 and 78 of the Constitution define the role of cabinet and its relationship with the President These Articles provide:

(a) There shall be a Council of Ministers with the Prime Minister as the head to aid and advice the President in the exercise of his functions

(b) No court of law has power to enquire as to whether any advice was given by the ministers and, if so, what it was.

(c) The Prime Minister shall be appointed by the President and on the advice of the Prime Minister, the President will appoint other ministers

(d) The ministers shall hold office during the pleasure of the President

(e) The Council of Ministers shall be collectively responsible to the Lok Sabha.

(f) It shall be the duty of the Prime Minister to communicate to the President all decisions of the Council of Ministers; to furnish such information relating to the administration of the Union and proposals for legislation as the President calls for, and to submit for matter on which a decision has been taken by a minister but which has not been considered by the Council

The real executive authority resides in the cabinet. The Prime Minister is the leader of the majority party or a coalition of parties in the Lok Sabha. He appoints his ministers, allots work among them and supervises their functioning In selecting his team, the Prime Minister may be guided by considerations of the political standing of the person and his parliamentary experience. The considerations of caste, community, the geography also weight in the mind of the Prime Minister while selecting his team. Theoretically, the choice of ministers is made by the Prime Minister, but in actual practice, the Prime Minister is guided by various considerations in selecting his team.

The cabinet performs *five major functions*:

(a) To formulate all major national policies, both domestic as well as foreign;

(b) To formulate proposals for legislation embodying the policies of the government;

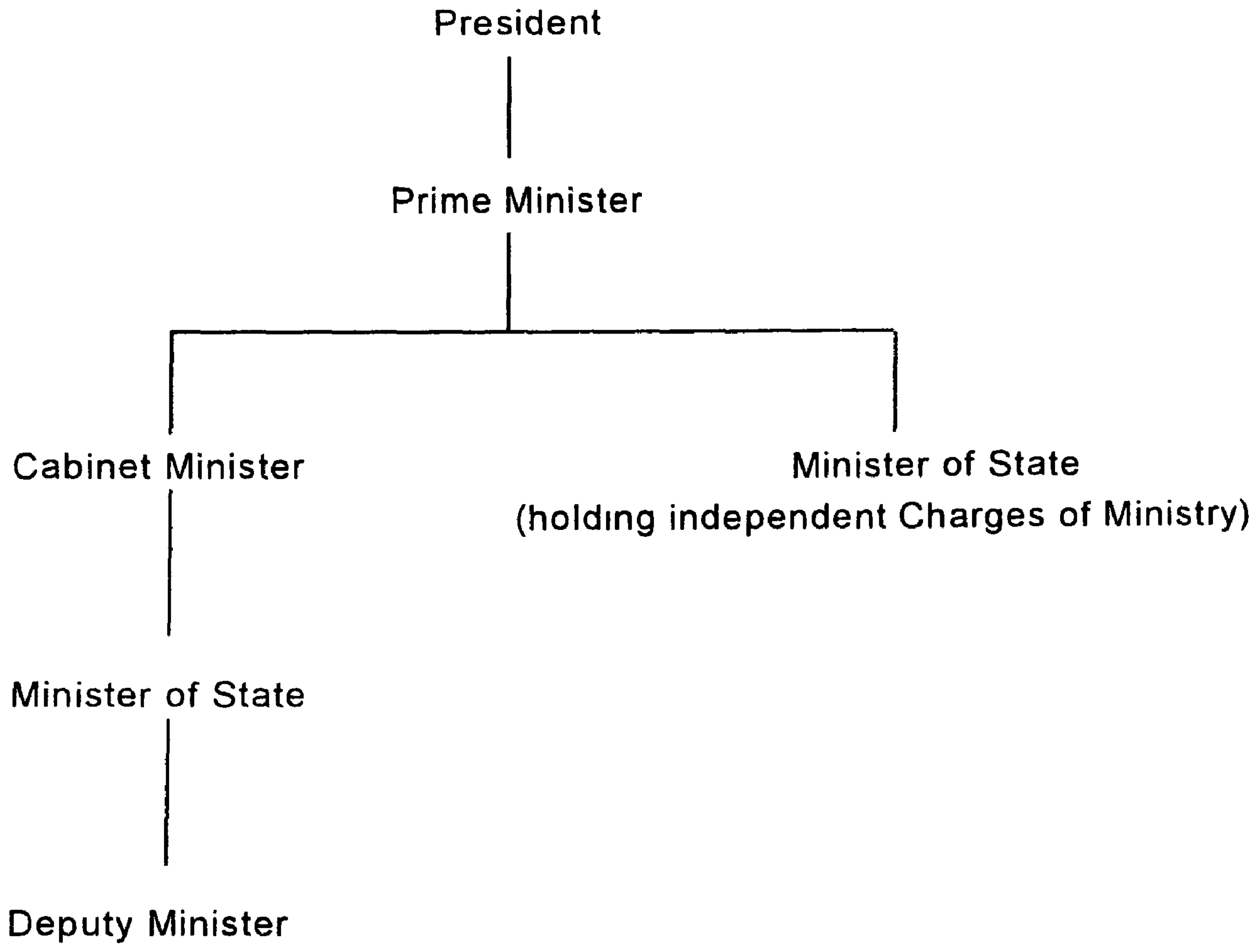
(c) To make all major appointments;

(d) To settle all inter-departmental disputes; and

(e) To coordinate the various activities of the government

Thus the cabinet is responsible for formulating policies regarding economic development and other domestic problems of the country. The policy regarding India's relations with other countries is also formulated by the cabinet. After policies have been formulated, their execution is supervised by the cabinet. The best formulated policies would not be able to deliver the goods if they were not properly administered. Thus the administration of policies and proper implementation of government programmes is the responsibility of the cabinet. The cabinet ministers, the ministers of state, and the deputy ministers are expected to supervise policy implementation. Parliament expects the ministers to perform this job. Hence the ministers are allotted various activities, and Parliament holds them responsible for all that happens in their departments or ministries. All civil servants in a ministry of a department function under the guidance, direction and control of the minister. The cabinet meets to take collective decisions and to resolve inter-departmental conflicts General and specific policy issues of great national and international importance come before the cabinet for decision While the cabinet has collective responsibility for running the administration of the country, the individual ministers are held responsible for managing their departments All important ministries have a cabinet minister, a minister of state and a deputy minister assist the cabinet minister to perform his jobs. When a minister of state is attached to a cabinet minister, the former is generally assigned some

special responsibilities in the ministry. Sometimes a minister of state may be assigned an independent charges of an individual ministry



If we view things in totality, the decision making at the top in India involves the Prime Minister, the cabinet, the cabinet committees, the individual ministers and the civil servants at the apex level. At various levels of decision-making, collective thinking takes place and final decisions are taken The more controversial the public issue, the greater is the involvement of other cabinet ministers and cabinet committees in decision-making.

The pre-eminent position of the Prime Minister in the cabinet is not being denied. After the cabinet has discussed an issue and decided on a certain things, the Prime Minister sums up and dictates the consensus In this summing up, his viewpoint may find expression.

The Prime Minister's power as head of the government is further strengthened by the fact that all key appointments in administration are made by him The secretaries to the departments are appointed by an Appointments Committee of the

cabinet under the chairmanship of the Prime Minister The Prime Minister gets to know about the functioning of other ministries by calling meetings of secretaries of the ministers

The Cabinet makes use of the committee system to facilities decision-making of a special category of problems. The Transaction of Business Rules provides for the constitution of the Standing Committees of the Cabinet for ensuring speedy decisions on vital questions of political and economic significance and other important matters, as the for ensuring coordination in particular well-defined fields of administration. At present there are the following Standing Committees of the Cabinet

(a) Cabinet Committee for Economic Coordination.

(b) Cabinet Committee on Political Affairs;

(c) Cabinet Committee on Family Planning.

(d) Cabinet Committee on Food and Agriculture and Rural Development.

(e) Cabinet Committee on Parliamentary Affairs

(f) Appointments Committee of the Cabinet.

(g) Cabinet Committee on Accommodation

(h) Cabinet Committee on Tourism and Transport

(f) Cabinet Committee on Economic Policy

The Cabinet Committee on Political Affairs is the most important Standing Committee of the Cabinet It deals with all important problems concerning foreign affairs, defence and internally explosive political issues. The Prime Minister appoints various ministers to these committees These committees deal with specialised topics and save the time of the cabinet

After examining the political and administrative role of the Prime Minister, and the cabinet, the other important institution which plays a crucial role in the administration of the country is Parliament in India It consists of two Houses, approves legislation and budget, supervises the ministers and their departments Parliamentary control over administration is both on broad policy matters as well as on detailed day-to-day administration Through its powerful committees, Parliament scrutinises the actual functioning of administration. Lastly, the legality of administrative actions can be questioned in an integrated network of courts of law. Through its powers of writ,

and judicial review the courts of the land act as a check over the administration of the country.

Next to the Parliamentary system is the federal feature of the Constitution which provides an important framework for the functioning of Public Administration in India The key-note of the federal system is division of powers between the central and the state governments The federal principle requires that the national government and the federating governments of the country shall be independent of each other within their respective spheres, shall not be subordinate to one another, but shall be coordinate with each other The Indian Constitution divides legislative authority between the Union and the States in three Lists - the Union List, the State List and the Concurrent List The Union Government exercise exclusive legislative and executive authority over 97 subjects enumerated in the Union List. The State List, Consisting of 66 items contains subjects on which, ordinarily, the states have authority. The 47 matters mentioned in the Concurrent List are under the 'concurrent jurisdiction of both the Union and State Governments'

The Constitution of India provides for a very strong centre. Under certain conditions the Union Parliament can legislate on purely state subjects also In the first place, the Constitution gives power to Parliament to legislate with respect to a subject in the State List 'in national interest' Though the state legislature has exclusive power to make laws with respect to the subjects in the State List, if the Council of States has declared by resolution supported by not less than two thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it should be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force Such a resolution passed by the Council of States remains in force for such a period (not exceeding one year) as may be specified therein

Secondly, the Union Parliament can legislate on state subjects for two or more states at the request of their Legislatures by resolution Such common legislation may subsequently be adopted by other states also by a resolution of their legislatures The Constitution gives Parliament power to legislate for states "by their consent"

Thirdly, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any country or countries, or any decision made at any international conference, association or other body Such a law passed by Parliament may implying upon purely state subjects.

Fourthly, when a Proclamation of Emergency is issued by the President, the Constitution for the period of the emergency becomes in effect unitary, and Parliament can legislate not only with respect to matters to those in the State List but also concurrent list Parliament has, while a Proclamation of Emergency is in operation, powers to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List. Any such law made by Parliament, which Parliament would not, but for the issue of a Proclamation of Emergency, have been competent to make, shall, to the extent of the incompetency, case to have effect on the expiration of a period of six months after the proclamation has ceased to operate, except as regards things done or omitted to be done before the expiration of the said period

Fifthly, in case of the failure of the constitutional machinery in a state, a President may by proclamation authorise the Union Parliament to legislate for the state in respect of state subjects

There are other overriding powers of the centre over the states. The territories of the state can be changed by the Union law Parliament may be law form a new state by redistributing or integrating the territory of any of the existing states and it may also alter the name, boundaries or area of any of them A bill for the making of such a law can be introduced in Parliament on the recommendation of the President, and the President is required, before making his recommendation, to ascertain the views of the legislature of the state concerned 'both with respect to the proposal to introduce the bill and with respect to the provisions thereof'

All these provisions show that the Union government is more powerful than the states There is a great centralization of authority in the Union Government The centre dominates the scene like a Colossus with its formidable list of 97 exclusive powers to which must be added its concurrent but paramount powers, as well as the residual powers of legislation which, too, have been vested in it. The Union has also been given wide emergency powers In both normal and emergency times there is supremacy of the Union over the states.

The Union-State administrative relations in India are so organised as to enable the Union government to exercise considerable direction and control over the administrative machinery of the states The Union-State administrative relations are designed to achieve a two-fold purpose first to ensure effective federal executive control of matters falling within the legislative jurisdiction of the Union Parliament, and second, to minimise the possibilities to conflict between the Union and state administrative machineries This arrangement makes the position of the centre vis-a-vis the states more powerful and dominating

The Constitution lays down that the executive power of the states shall be so exercised as to ensure compliance with the laws made by Parliament and not to impede or prejudice the exercise of the executive power of the Union. The Union can give necessary directions to the states for these purposes The Union can also give directions to the states for the maintenance and construction of means of communication declared in such directions to be of national importance and also for the protection of railways within the borders of the states Any extra costs involved in carrying out these directions must be paid to the states by the Union.

If a state fails to carry out the directions of the Union government, the President can proclaim a breakdown of constitutional government in the state under Article 356, and proceed to take into his own hands all the powers of the Governor or any other state officer Under such a proclamation, the federal basis of the Indian political system can be suspended in respect of the particular state is concerned. During the operation of a Proclamation of Emergency, the Union government can take over the legislative and administrative powers of all states and thus suspend the working of federal polity for the country as a whole. The states have to exercise their executive authority in such a way as to ensure compliance of Union laws, and to ensure, further, that the executive powers of the state shall be so exercised as not to impede or prejudice the executive power of the Union.

The President may, with the consent of a State Government, entrust to the officers of the latter any functions in relation to any matter to which the executive power of the Union extends. A law made by Parliament may confer powers and impose duties on the officers of a state notwithstanding that the law relates to a matter falling outside the legislative jurisdiction of the state If should be understood that the extra costs entailed of the state finance on account of such laws of Parliament on the Union Government's directions must be paid by the Union. The Union government has to protect the states against external aggression or internal disturbance and to ensure that their government is carried on according to the provisions of the Constitution. The fulfilment of these duties may lead to Union intervention in state matters Article 260 authorises the extension of the jurisdiction of the Union in relation to territories outside India by agreement with other governments. Article 261 lays down that full faith and credit must be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every state. Article 262 authorises Parliament to make laws for the adjudication of disputes relating to inter-state rivers or river valleys It is also authorised to exclude by law the jurisdiction of the courts including the Supreme Court in respect of any such disputes. Article 263 authorises the President to establish an inter-state council to inquire into or make

recommendations on inter-state disputes or matters in which some or all states, or the Union and one or more of the states, have a common interest

The Union Government has certain powers to regulate certain matters which affect the state also Thus superintendence, direction and control of all elections, federal and state, is vested in an Election Commission appointed by the Union President. The Comptroller and Auditor General of India has to supervise and control the accounts and audit of both the Union and state governments. The President has the power to remove the Chairman and members of State Public Service Commissions in certain circumstances The welfare of scheduled tribes and backward classes has been placed under the special care of the President who can appoint a commission to investigate their condition and in the light of its recommendations, may give directions to the states for improvement. The Constitution and organization of the High Courts is a Union subject and their judges are appointed, removed and transferred by the President The top officials in the state administration belong to the All-India Services - the Indian Administrative Service and the Indian Police Service, etc The personnel of these services, no doubt, work in the states, but their recruitment and conditions of services, etc., are all controlled by the central government.

From the very beginning, the Constitution of India created a very strong central government

PARLIAMENT

The Indian Parliament consists of the President of India and the two Houses which are known as the Lok Sabha (House of the People) and the Rajya Sabha (Council of States) respectively The details of the composition and complexion are given below

LOK SABHA

Composition of the Lok Sabha

The Lok Sabha (House of the People) is the Lower House of Parliament and presently consists of 545 members Originally, this number was fixed by the Constitution at 520, but by adopting various Amendments, the Parliament raised its membership to 525 and later to 545.

The election to the Lok Sabha is conducted on the basis of universal adult franchise A person seeking election to the House should be a voter and above 21 years of age He need not be a resident of the constituency of the State from which

he seeks election and he must not suffer from any disqualification for membership of Parliament The Constitution also provides for the reservation of seats on population basis for the scheduled castes and scheduled tribes. The President is authorised to nominate two members of the Anglo-Indian community if he thinks that this community is not adequately represented in the House.

Qualifications and Disqualifications for Membership of the Lok Sabha

(A) Qualifications:

For the purpose of contesting election to the Lok Sabha, a person must possess the following qualifications

(i) He must be a citizen of India.

(ii) He must have completed the age of twenty-five years

(iii) He should possess such other qualifications as may be prescribed by prescribed by Parliament from time to time.

(B) Disqualifications:

The Constitution also lays down certain disqualifications on the basis of which a person cannot become a member of the Lok Sabha

Tenure and Sessions of the Lok Sabha

The normal tenure of the Lok Sabha is 5 years. However, this tenure can be increased or the House can be dissolved even before the completion of its normal tenure Thus, by the 42nd Constitutional Amendment the tenure of the Lok Sabha was increased to 6 years But again it was made 5 years by 44th Amendment from the date of its meeting. The Lok Sabha may also be dissolved earlier by the President of India It was so done by the President in December 1970, April 2004, more than a year ahead of schedule The life of Lok Sabha can be extended while a proclamation of emergency is in operation for a period of one year but in no case for more than 6 months after the Proclamation of Emergency has cased to operate

The Constitution provides that Lok Sabha shall meet at least twice a year and a period of more than 6 months shall not elapse between the last sitting in one session and the first sitting in the other The quorum required for the meeting has been fixed at 10 per cent of the total membership of the House The time and place of meeting will be decided by the President who will summon the House to meet

RAJYA SABHA

The Rajya Sabha (Council of States) is the Upper House of Parliament and is sometimes also called the House of Elders. It is composed of the representatives of States, i.e., the constituent units of the Union and as such represents the federal principle However, the different States of India have not been given equal representation in the Upper House, as is found in the American Federation.

Composition of the Rajya Sabha

The Rajya Sabha consists of 250 member. Of these, 12 members are nominated by the President from among the persons who have achieved distinction in the fields of Art, Science, Literature or Social Service. The remaining 238 members are the representatives of States and Union Territories.

Qualifications and Election of the Members of the Rajya Sabha

A candidate for election to the Rajya Sabha must possess the following qualifications.

(i) He must be a citizen of India.

(ii) He must have a completed thirty years of age.

(iii) He should possess such other qualifications as Parliament may by law prescribe from time to time.

The election of members of Rajya Sabha is indirect. Members representing the States in the Rajya Sabha are elected by the elected members of the respective State Legislative Assemblies in accordance with the system of proportional representation by the single transferable vote. The voting is by secret ballot. The allocation of seats in the various States is made on the basis of population but the smaller States are given some weightage. The representatives of Union Territories are chosen in such manner as Parliament may prescribe from time to time.

Tenure of the House and Members of Rajya Sabha

The Rajya Sabha is a permanent body, not subject to dissolution Its members are elected for six years. However, at the end of every second year, one third of the members are re-elected This provision enables the Rajya Sabha to retain its political complexion in a more stable manner than the Lok Sabha which after every election is a new House.

The Vice-President of India is the ex-officio chairman of the Rajya Sabha. The House also elects one of its members as Deputy Chairman who provides over its meetings in the absence of the chairman.

Functions of Parliament

The functions of Parliament in India, as also any whereelse, are to legislate, to control the administration, to ventilate the grievances of people, to discuss public policies and to criticize According to J.S Mill, the main functions of Parliament are 'to watch and control the government, to throw the light of publicity on it acts and to compel a full exposition and justification of all them which any one considers questionable, to censure them if found condemnable." Dr. Jennings opines that "the function of Parliament is not to government but to criticize it." There is no doubt that the Indian Parliament has played well the role assigned to it and performed its functions with varying degrees of success.

The functions of the Parliament can be discussed under the following heads: (1) Legislative Functions, (2) Financial Functions, (3) Control over the Executive; (4) Electoral Functions, (5) Constituent Functions and (6) Miscellaneous Functions

1. Legislative Functions

The primary function of the Lok Sabha is to make laws for the country. It can make laws on all the matters included in the Union List (97 subjects) and the Current List (47 subjects) Normally, the Lok Sabha is not competent to enact laws on subjects which fall exclusively in the State List (66 subjects). But, here also the Lok Sabha is empowered to make laws under the following circumstances:

(i) When under Article 249 of the Constitution, the Rajya Sabha passes a resolution empowering it to legislate on a subject enumerated in the State List.

(ii) During a national emergency also Parliament acquires the power to legislate on the State List

(iii) During the breakdown of constitutional machinery in a State, the powers of the State Legislature become exercisable by or under the authority of law.

However, it is to be remembered that the Indian Parliament is not a sovereign body and its laws are subject to judicial review. Thus, it cannot make any law which violates the letter or the spirit of the constitution.

Further, no Bill can become a law unless it has been passed by the Lok Sabha. Money Bills must always originate in the Lok Sabha. But here also, there is limitation

on the legislative powers of the Lok Sabha. This limitation is the 'assent of the President'. Every bill passed by the Lok Sabha must receive the President's assent before it is placed on the Statute Book. This executive veto, however, is only suspensory and not final. The two Houses of Parliament can overside the President's veto by passing a bill second time by a simple majority of votes.

2. Financial Functions

It is through the performance of its 'financial functions' that the Lok Sabha enjoys real supremacy over the Rajya Sabha. The granting of expenditure is entirely vested in the Lok Sabha Demands are submitted to the Lok Sabha and it alone has the power to give assent to them. The Constitution provides that 'a money bill shall not be introduced in the Council of States' (Rajya Sabha). It must originate in the Lok Sabha and when it is passed by the Lok Sabha it is transmitted to the Rajya Sabha for its recommendations The Constitution further requires that the Rajya Sabha must return the bill to the Lok Sabha with its recommendations within fourteen days from the date of the receipt of the bill. If the Lok Sabha does not accept the recommendations of the Rajya Sabha, the bill is deemed to have been passed by both Houses of Parliament in the original form with which it began its career in the Lok Sabha

However, there are certain items of expenditure which may be discussed but are not voted in the Lok Sabha as they have been declared by the Constitution a charge on the 'Consolidated Fund of India' These items include the salary and allowances of the President the Vice-President. Judges of the Supreme Court and the Comptroller and Auditor General of India. It is again the Lok Sabha which passes the Budget.

3. Controlling the Executive

A very important function of the Lok Sabha is that *controlling* the executive. This is done in two ways. (i) by seeking information and (ii) by collective responsibility of the Cabinet.

(i) The Lok Sabha can seek information from the government on any matter through questions, supplementary questions, adjournment motions, etc. This device keeps the government alert and vigilant.

(ii) The Council of Ministers is collectively responsible to the Lok Sabha. The Government remains in office so long as it enjoys the confidence of the House. The Lok Sabha can force the government to resign if either it

passes a vote of no-confidence against the government or if it rejects a government bill.

Thus, the vigilance of the members of Lok Sabha keeps the government responsible to public opinion and prevents it from acting in an arbitrary manner.

4. Amending Powers

The Lok Sabha, together with the Rajya Sabha, has the power to amend the Constitution. A bill to amend the Constitution may originate in either House and it must be passed by each House of Parliament by a majority of its total membership as well as by a two-thirds majority of the members present and voting In case of those provisions which are concerned with our 'federal polity', an amendment passed by the two Houses of Parliament also requires ratification by the legislators of at least half of the States The amendments cannot be challenged in any court of law.

5. Electoral Functions

The Parliament also serves as an electoral college to elect the President and Vice-President of India. The elected members of both the Houses take part in the election of the President Sitting together, the two Houses of Parliament elect the Vice-President The Speaker and the Deputy Speaker of the Lok Sabha, who act as the presiding officers, are elected by the members of the Lok Sabha While the Vice-President of India is the ex-officio chairman of the Rajya Sabha, the Deputy chairman of the House (Rajya Sabha) is elected by its members.

6. Judicial Functions

Parliament has the power to move for the removal of the judges of the Supreme Court or the High Courts on the grounds of proved misbehaviour and incapacity. The address for such a removal must be passed by a two-thirds majority in each House. Similarly, both Houses consider a resolution for the removal of the Chief Election Commissioner, Comptroller and Auditor-General, and members of the Public Service Commission Either of the two Houses can prefer a charge for the impeachment of the President. The resolution passed by the Rajya Sabha for the removal of the vice -president must be agreed to by the Lok Sabha.

Bernard Crick defines the role of Parliament as follows:

The role of Parliament is to influence, not direct power; advice, not command; criticism, not obstruction; scrutiny, not initiative; and publicity, not secrecy.

THE SUPREME COURT OF INDIA

Composition

According to Article 124, the Supreme Court consisted of a Chief Justice and thirteen other Judges. Parliament has been given the power to increase the number of Judges Parliament can, by appropriate legislation, regulate the constitution, organization, jurisdiction and powers of the Supreme Court. The Chief Justice of India, with the previous consent of the President, may ask a retired Judge of a Supreme Court to act as a Judge of the Supreme Court temporarily. A judge of a High Court may be appointed as an adhoc Judge of the Supreme Court for a temporary period.

All Judges of the Supreme Court are appointed by the President of India on the advice of the Cabinet While appointing the Chief Justice he may consult the judges of the Supreme Court, and the High Courts. While appointing other judges the President should consult the Chief Justice.

No minimum age has been prescribed for appointment as a judge of the Supreme Court. A Judge of the Supreme Court retires at the age of sixty-five years. He may be removed from office by the President on an address passed by both Houses of Parliament by a majority of the total membership of each House and by a majority of not less than two thirds of the members of the House present and voting. A Judge may be removed from office for proved misbehaviour and for incapacity.

Powers and Functions

Article 131 of the Constitution empowers the Supreme Court to determine justiciable disputes between the Union and the States or between the States.

The Supreme Court is the final court of appeal. In certain cases an appeal will lie to the Supreme Court as of right. The Supreme Court has unlimited right to entertain appeal by special leave.

Disputes between the Government of India and of the states of the Union, the Government of India and any State on one side and any other State on the other side, or between two or more States, come under the exclusive original jurisdiction of the Supreme Court A suit brought by a private citizen against the State or the Government of India cannot come under the original jurisdiction of the Supreme Court.

The Supreme Court of India has original, appellate and advisory jurisdiction. The Supreme Court covers the following kinds of cases:

(1) Civil, criminal and other cases involving the interpretation of the constitution.

(2) Civil cases coming for appeal.

(3) Criminal cases coming for appeal.

An appeal concerning cases involving the interpretation of the Constitution can be made to the Supreme Court on the certificate of the High Court or on the leave of the Supreme Court. If the amount or value of the subject-matter of the dispute exceeds a certain value appeal can be made to the Supreme Court. If the High Court is satisfied that a case is fit for appeal to the Supreme Court, appeal can be made.

If the High Court has, on appeal, reversed an order of acquittal and sentenced the accused person to death, appeal can be made to the Supreme Court. If the High Court has withdrawn for trial before itself any case from any subordinate court and has sentences the accused to death, appeal can be made to the Supreme Court. If the High Court certifies that a case is fit for appeal to the Supreme Court, appeal can be made. Parliament can, by law, confer on the Supreme Court further powers to hear appeals from criminal cases.

The Constitution empowers the Supreme Court to hear appeals by granting special leave for the same. Granting special leave for appeals depends entirely on the discretion of the Supreme Court. The supreme Court will grant special leave for appeal in criminal cases, if it shown that grave injustice has been done by earlier decisions

The Supreme Court possesses advisory jurisdiction also. It could give its opinion on any question of law or fact of public importance. To give such opinion, the matter must be referred to it by the President.

The Supreme Court has the power to issue writs for the enforcement of Fundamental Rights.

Under Article 131-A, inserted by the 42nd Amendment Act, the Supreme Court had the exclusive jurisdiction to determine all questions relating to the constitutional validity of any Central law. Wherever a state law involves the interpretation of a Central law, such questions also lie to the Supreme Court either by its own initiative or by that of the High Court under which such questions originally came up on the application by the Attorney General.

Judicial Review in India

The Supreme Court of India possesses wider powers and jurisdiction. It is a federal court, a court of appeal, and the guardian of the constitution. Its appellate jurisdiction is wider than that possessed by the United State's Supreme Court.

Till date Judicial Review revolved chiefly around the Fundamental Rights. But since the Directive Principles have been given precedence over the Fundamental Rights by the 42nd Amendment, the jurisdiction of the Supreme Court, in this respect has been considerably narrowed. Further, it has been upheld that the Parliament has the power to amend the Constitution in any manner subject to the condition that its 'basic features' cannot be altered. This also adversely affects the Supreme Court's reviewing power and opportunity.

The Supreme Court of India possesses the power of judicial review. But this power is not equal to the unrestricted power possessed by its American counterpart. Judicial review of legislation in India is subject to the provision of Articles 256 of the Constitution. The Supreme Court may be called upon to decide whether a particular law falls in any of the items enumerated in the appropriate legislative list. It may also be called upon to review all laws to find out if they are consistent with the provisions of Part III of the Constitution. The power of judicial review has not been expressly assigned to the Supreme Court. An analysis of Articles 13,32,139,141 and 226 shows that the Supreme Court possesses this power. As noted earlier, this power is not absolute. In practice, the Supreme Court functions under certain limitations.

Model Question :

1. Describe the constitutional framework of Indian Administration.

LESSON - 3

THE CENTRAL SECRETARIAT

It may be of interest to note the historical fact that the governance of India during the British period was never vested in one person but in a council. It was the Regulating Act of 1773 which for the first time created a "Supreme Government" having controlling authority over "Presidency Governments" and it consisted of a Governor-General and four councillors in whom was vested "superintendence and control" of the civil and military government of India. This continued to remain the position till the inauguration of the new constitution on 26th January 1950. Under the new constitution, the repository of the executive authority of the union government is the President of India who is also vested the supreme command of the defence forces of the country. All executive action of the union government is taken in his name. However, the President is a mere constitutional and formal head and there is a council of ministers with the Prime minister at its head to aid and advise the President in the exercise of his functions. In other words, the real executive authority is vested in the cabinet of which the Prime minister is the dominant head.

Growth of Central Secretariat

The growth in the number of secretariat department and personnel has been phenomenal since independence. The departments of the Government of India upto 1940 were: Home, Finance, Law, Education, Health and Land, Commerce and Labour, Communication and Defence. Due to political exigencies and the stresses of World War II, the number of members of the Governor-General's Council was increased, but new departments were not created; rather, the existing departments of Defence and Communications were further broken down Defence into War and Defence, and Communications into War Transport, and the Department of Post and Air. In 1947, there were 18 secretariat departments, which rose to 25 in 1957 and their number is increased more than 60. The non-secretariat organizations having the attributes of headquarters units are 569. Total employment (both regular and temporary) in the establishments of the central government increased by over 51 per cent during 1956-66. The number of Secretaries, Additional Secretaries, Special Secretaries and Joint Secretaries rose to over three times during 1948-67 (from 64 to 209), of Deputy Secretaries, to about three and a half times (from 89 to 303); and of Under Secretaries to more than twice (from 241 to 457). The strength of Section Officers went up to over six and a half times (from 442 to 2, 493) during the period 1948-65. The number

of Secretaries has risen from 9 in 1939 to 41 (including Special Secretaries); of Joint Secretaries from 8 in 1939 to 168 (including Additional Secretaries); of Deputy Secretaries from 12 to 303; and of Under Secretaries from 16 to 457. The total size of the Indian Civil Service (ICS) at the time of India's independence was 1,157 i.e. 549 were indigenous, and 608 British. After independence only 451 ICS remained in India: 418 Indian and 33 British. Now the strength of IAS is over 5,000.

Functions and Role

The three essential components of the government at the center are: (i) the minister, (ii) the secretary, and (iii) the executive head. The most important function of the minister is to decide upon policy; of the secretary to provide the material by which to reach such decisions and to oversee the implementation of such decisions; and of the executive head to carry the decisions into effect. The first two functionaries, namely, the minister and the secretary are served by the secretariat are considered as orders of the Government of India. The Central secretariat, thus occupies a key position in the administrative hierarchy.

The secretariat's primary responsibility is to assist and advise the ministers in respect of the following matters:

1. Making and modifying policies from time to time.
2. Framing legislation, rules and regulations.
3. Sectoral planning and programme formulation.
4. (i) Budgeting and control of expenditure.

   (ii) According to administrative and financial approval to operational plans and programmes and their subsequent modifications.
5. Supervision and control over the execution of policies and programmes by field agencies, evaluation of the results.
6. Coordination and interpretation of policies, assisting other branches of the government and maintaining contacts with state administration.
7. Initiating measures to develop greater organizational competence.
8. Discharging their responsibilities to the Parliament.

In the words of Ashok Chanda, "The Central Secretariat is.... the principal executive instrument of the Union Government and is responsible for administering the Central subjects, coordinating the activities of national importance and assisting in the formulation of foreign, economic and financial policies". In brief, the secretariat, on one hand, is a policy-formulating, coordinating and supervisory agency, and, on the other, is the principal executive agency of the government.

The functions and responsibilities of the central secretariat are rapidly on the increase and the authority has naturally followed. The superior position of the secretariat is recognized by the secretariat personnel being given higher grades of salaries than their counterparts working in field agencies and field officers being entitled to special pay on their joining the secretariat. It is therefore, not surprising if the prestige of the secretariat has gone up so high.

A ministry is responsible for the formulation of the policy of government within its sphere of responsibility as well as for the execution and review of the policy. A ministry, for the purpose of internal organization, is divided into the following segments with an officer in charge of each of them to expedite matters:

Department	...... Secretary/Additional/Special Secretary
Wing	.... Joint/Additional Secretary
Division	...... Deputy Secretary
Branch	...... Under Secretary
Section	.... Section Officer

The lowest of such units is the section in charge of a Section Officer and consists of a number of assistants, clerks, typists and peons. It deals with work relating to the subject allotted to it. It is also referred to as the Office. Two sections constitute the branch which is under the charge of an under secretary, also known as the Branch Officer. Two branches ordinarily from a division which is normally headed by a deputy secretary. When the volume of work in a ministry exceeds the manageable in charge of a secretary, one or more wings are established with a joint secretary in charge of each wing. At the top of the hierarchy comes the department. Which is headed by the secretary himself or in some cases by an additional/special secretary. In some cases, a department may be as autonomous as a ministry and equivalent to it in rank.

In the hierarchy of administrative organization, the central secretariat occupies a key position. It is the centre of power. Policies and programmes of the Government of India originate from here, and the secretariat is the centre of conflicts, clashes and cooperation between the minister and the civil service. In the secretariat, the minister-civil service relationship is face-to-face and day-to-day, and confrontations between the two are direct. Not only this, the central secretariat of the Government of India is subjected to all kinds of political, sectional, and interest group pressures. The decisions taken by the secretariat are vital for the society, and for well organized social and economic groups. Hence its is subjected to all kinds of lobbying by pressure groups. The secretariat is expected to resolve conflicts among contending interest, and act as a shock absorber of conflicting pressures.

The Administrative Reforms Commission rightly stated : The secretariat system of work ... has lent balance, consistency and continuity to the administration, and served as a nucleus for the total machinery of a ministry. It has facilitated inter-ministry co-ordination and accountability to Parliament at the ministerial level. As an institutionalized system it is indispensable for the proper functioning of government.

Officials of the central secretariat not only advise the minister on various policy alternatives, they also assist him in facing the parliamentary criticism and inquisitions. They supply him with information, facts and data so that he can demolish the case built by his parliamentary critics. The officials sit in the parliamentary lobby and take notes of comments and criticisms regarding the working of their ministry/department. The officials of the secretariat are not only involved in making policy; they are further concerned with justification and defence of that policy against the attacks of opposition parties, affected interest groups and the ever vigilant press. Whatever is done in the secretariat has to be defended before parliamentary committees like that of Estimates, Public Accounts, Public Sector Undertakings, Subordinate Legislation, etc. While they may be busy in planning proposals for legislation or finance, they may be asked to appear before parliamentary investigating committees or collect material for answer to questions put to the minister on the floor of the House

The Secretariat handles three types of work :

(a) Substantive work in an area where there are no non-secretariat organizations;

(b) Substantive work where non-secretariat organizations exist;

(c) Servicing work.

To illustrate, in the secretariat of the Ministry of Commerce, work relating to international trade is of type 'a'; work concerning textiles and jute, of type 'b' ; and work covering items like establishment, office management, and financial control, of

type 'c'. The Study Team on the Machinery of Government said a computation based on the number of sections doing different kinds of work throughout the secretariat (excluding the staff ministries), shows that type 'a' work constitutes 44% of the total, type 'b' 30% and type 'c' 26%. But the 30% of type 'b' includes a good deal of establishment work, which really belongs to 'c'.

The study team of the Administrative Reforms Commission also notes some other developments in this sphere since independence.

(a) Decision-making levels in the Secretariat (during pre-independence period) were almost wholly manned by officers of the Indian Civil Service who belonged to the various provincial cadres and came to the centre on limited tenures. The picture today is different Decision-making levels are staffed principally by the Indian Administrative Service but there are substantial contribution from the Central Secretariat Service and from other Central Services, particularly at the lower levels. This is clear from the following table:

Table 1

Proportion of Services deployed in Central Secretariat

	IAS	Central Secretart Service	Other Central Services
Secretaries	31	1	6
Joint Secretaries (including additional Secretaries	90	12	66
Deputy Secretaries	78	99	124
Under Secretaries	18	195	144

The plus-factor in this picture is that there is an element of stability and continuity not previously available. All Central Secretariat Service personnel, for example, are continuously available in the secretariat; so are many from other services particularly at the higher levels, since the tenure rule is not strictly applied there. The minus-factor is that a large proportion of the officers do not have executive experience, especially most of those belonging to the Central Secretariat Service.

(b) Decision-makers in the secretariat were largely generalists. While this is broadly true today also, the complexity of governmental tasks have brought with them economists, scientists, statisticians, and in fact experts of different kinds into the secretariat

(c) There was a ministerial cadre in the secretariat which has to be of high quality, because it was the main instrument for maintaining continuity, decision-makers being all tenure men High quality could be ensured more easily than now because numbers were small (1,105 including superintendents in 1939). Today the ministerial cadre is large and mostly not of high quality It does contribute towards the maintenance of continuity, but is not the only instrument for this, since those at the decision-making levels are not all tenure men now.

(d) The original concept was that the secretariat looked after policy formulations, execution being the job of non-secretariat organization Today there is a mixed situation A good deal of executive work is handled in the secretariat; and on the other side, several non-secretariat organization participate in policy formulation to a much greater extent than would have been thought appropriate previously

(e) The number and variety of non-secretariat organizations has increased greatly Apart from executive agencies, there are today advice-tendering agencies, research and training agencies, departmental undertakings, corporations and boards under special statutes, registered societies and non-statutory boards and committees *

Organization of a Ministry in India

Generally, a non-staff ministry is organized as below

Political level

Minister at the top, usually assisted by one or deputy ministers

Secretariat

- Secretary, as the head of the bureaucratic machinery under the ministry and chief adviser to the minister (special and additional secretaries are organizationally unusual features, although numerous at present)
- Joint Secretary (administration) to look after personnel and office management
- Internal Financial Adviser this is a rare functionary at the moment, but

the Finance Ministry's instructions require each ministry to have such an adviser

— Subject Joint Secretaries, looking after type A work

— Subject Joint Secretaries, looking after type B work

— Deputy and Under Secretaries, to assist the Secretary and Joint Secretaries

— Office, Constituting an all-pervading underlay

Non-Secretariat Organization

Head of Department

Director of Administration, corresponding functionally to the Joint Secretary (administration) in the secretariat

Subject joint or deputy heads

Assistant Directors or equivalents thereof

Office underlay

Chart of Secretariat Organization

Secretary (additional, special secretaries)	
Wing Joint Secretary	Office
Division Deputy Secretary	Section
Branch Under Secretary	Section Officer

Joint secretaries constitute the effective decision-making level below the Minister and the Secretary The usual pattern is two Deputy Secretaries under the Joint Secretary and two Under Secretaries for each Deputy Secretary The Joint Secretary's charge is known as wing, the Deputy Secretary's division and the Under Secretary's as a branch

Organization

|

Wing

|

Division

|

Branch

The office is coterminous with the section, of which there are two with each under secretary Each section is headed by a section officer who supervises the work of "dealing" hands The number of dealing hands in a section varies from three to seven but is quite often five, four out of these five are assistants and the fifth an upper division clerk There is ancillary staff at both levels; personal assistants, stenographers and peons for officers, and personnel for record duties and office services in the sections

An important criticism against the functioning of central secretariat is that it has added a number of executive functions, while it was intended to be a brain centre for policy-making and for keeping an overall eye on things for proper co-ordination The preponderance of generalists in the secretariat raises doubts about their capacity to handle technical complexities of modern administration.

The method of functioning in the secretariat is both formal as well as informal On important policy issues, minister and secretary discuss; and on the basis of discussion, the secretary prepares a note containing the decision of discussion and puts it before the Minister. If the latter approves of the note the decision is final But the secretaries also interpret the mind and thinking of the minister, keeping in mind the overall policy of the department, and carry out the work of administration How much delegation of authority is enjoyed by the secretary depends on his rapport with the minister. Personal equations play a very important role in determining the relationship between the two

Any attempt to reorganize or restructure the Government of India has to start with a critical evaluation of the functioning of the central secretariat, its organization and procedures of work. If the administrative machinery of the Government of India is not functioning well, the focal point of criticism has to be the structure and methods of work of the central secretariat. The ARC Study Term picked many holes in the functioning of the central secretariat. Some of the major defects of the secretariat need to be highlighted.

(1) The role of the secretariat as 'brain centre for policy-making' and for keeping an overall eye on things' has been blurred The secretariat has expanded its functions and acquired a number of executive tasks. This development cuts at the very root of special position and role of the secretariat. The secretariat was meant to concentrate on policy formulation, and the departments were to execute the policy. This distinction of functions has disappeared, affecting the quality of work of the secretariat.

(2) The methods of work in the secretariat are uniform whether dealing with specialised or non-specialised matters. Same 'noting-based' method is followed by non-specialised personnel of the secretariat when they deal with technical matters like planning or scrutiny of projects. The dominance of the 'generalists' and the following of uniform method of work based on the system of 'noting' are unhelpful when the secretariat is called upon to deal with highly specialised jobs.*

(3) A wing in the secretariat is an important unit of functioning A wing is under the charge of a joint secretary Joint secretaries constitute the effective decision-making level below the minister and sphere of policy-making and also in scrutinising proposals made by the head of the non-secretariat organization. But it has been observed that the joint secretaries are not dealing with homogeneous and compact things, and thus many wings suffer from lack of unity of command at the different levels.

To improve the functioning of the secretariat, the ARC suggested the following steps:

(a) Non-secretariat organizations engaged primarily in planning, implementation, co-ordination and review of a single development programme or several allied programmes, covering a substantial area of the activities of the ministry and having a direct bearing on policy-making should be integrated with the secretariat of the concerned ministry

(b) The present distinction between policy-making and executive organizations be continued

(c) Policy position in scientific and technical should include persons with specialised expertise.

The methods of work and processes of decision-making in the secretariat are time consuming. There are six levels involved in disposal of a case-namely, the dealing hand, Section Officer, Under Secretary, Deputy Secretary, Joint-Secretary/Secretary and Minister. Coupled with this fact is the tendency of indecision or shifting of responsibility in the bureaucracy . Everyone in the secretariat seems to be passing the buck to other. Files are pushed to the higher levels for decisions, with notes of the functionaries of the lower levels. If decisions have to be taken at the higher level, then, why have multiple levels and proliferation of notings The ARC suggested that there should be two levels of consideration of a case below the minister.

At the lower level the case should be considered by an under secretary or a deputy secretary and at the higher level by joint secretary/additional secretary/ secretary Secretary's role is primarily one of co-ordinator, policy guide, reviewer and evaluator. This suggestion of the ARC to improve the functioning of the secretariat is a follow up of the previous scheme known as "Officer-oriented" system, which is in vogue in some ministries of the government The main feature of the "officer-oriented" system was delegation of financial powers, use of a single file system, a functional file-index, and officer-oriented staffing pattern. Further, for long term policy formulation and operational problem solving, the study team and the ARC suggested the formation of Policy Advisory Committee headed by the secretary of the ministry and heads of planning and policy, finance and personnel.

To sum up, reorganization of the secretariat system has been on the agenda of reform ever since Independence. The major areas of reform suggested in the functioning of the secretariat have been regarding its methods of work, its level of decision-making, its internal autonomy and delegation of functions and its need to use specialists in policy making.

Model Question:

Explain the importance and functions of Central Secretariat.

LESSON - 4

MINISTRIES AND DEPARTMENTS OF THE GOVERNMENT OF INDIA

The Government of India consists of many ministries and departments for the performance of various functions The President of India on the advice of the Prime Minister establishes a ministry and allocates business to each minister under clause (3) of Article 77 of the Constitution A Ministry of the Government of India may consist of only one department, or of two or more departments. Some Ministers have all their work distributed among departments and some others have only a part of the work distributed among departments Some Ministries have no departments.

Three-tier structure of a Department :

A Ministry of the Government of India consists of

(a) a political head, i e , the cabinet minister, assisted by minister of state, and deputy ministers,

(b) Secretariat organization headed by a secretary of the department,

(c) Executive organization of the department under a head of the department.

The role of minister and his relationship with civil service is vividly described by M C Chagla Commission on the investments made by the Life Insurance Corporation of India The Commission stated

> It is clear that constitutionally the minister is responsible for the action taken by his secretary with regard to this transaction. It is clear that a minister must take the responsibility for actions done by his subordinates He cannot take shelter behind them, nor can he disown their actions. The doctrine of ministerial responsibility has two facets. The minister has complete autonomy within his sphere of authority. As a necessary corollary, he must take full responsibility for the actions of his servants. It is true that this may throw a very great burden on the minister, because it is impossible to expect that, in a highly complicated system of administration which we have evolved, the minister could possibly know, leave alone give his consent to, every action taken by his subordinates.

A minister as a political head of the department lays down broad policy of the

department, and is responsible to Parliament for the working of that department. If something goes wrong in the department, the minister is accountable to Parliament. He has to answer questions in Parliament regarding the working of the department. Since the minister is accountable to Parliament for the functioning of the department, he exercises full control and authority over the department. The function of the department is to fulfil the policies and programmes as laid down by the minister. The minister is the political head, and the department is a permanent administrative organ or machine responsible and geared for putting the policies of the day into effect. The prime role of the permanent head and other senior administrators is to maintain an efficient administrative machine, capable of meeting all demands placed upon it. Administrator has to participate actively in the formulation, supervision and revision of policies

A Minister is a public man, a politician He requires expert advice on important administrative matters. A minister is assisted by a secretary (who belongs to the permanent civil service) to the government, with a part of the central secretariat under his control. The secretary is the administrative head of the department, and he is the principal adviser of the minister on all matters of policy and administration concerning the ministry. It is the duty of the secretary to provide all facts and figures to the minister, before any policy decision is taken. The secretary exercise great influence on the minister in policy matters. He gives advice and information, and if necessary, even warning to the minister concerning important administrative issue of the department. The secretary not only advise the minister, he is also responsible for the efficient administration of his department, and he also represents the department before parliamentary committees like Public Accounts Committee. In the performance of these duties the secretary is assisted by a Joint Secretary, Deputy Secretary, Under-Secretary and sometimes an Additional Secretary also It is assumed that once the policy is laid down by the minister, his subordinates must reflect that policy and must loyally carry out that policy If any subordinate fails to do so, he may be punished or dismissed, but assumed by the minister. In conclusion, the Commission added The minister must take full responsibility for the acts of his subordinates. He cannot be permitted to say that his subordinates did not reflect his policy or acted contrary to his wishes or directions

The higher secretariat posts are manned by officers of the former higher Civil Service, the India Administrative Service and Central Service Class I. The secretariat officials come on deputation from the states after gaining great experience of actual administration Higher secretariat services are manned by officials who have already served in the states and have the experience of the day-to-day administrative work.

After finishing their 'tenure' at the central secretariat they go back to their respective states with rich experience of policy formulation. In practice, the officials want to stay at the central secretariat, and resist returning to their respective states. In practice 'tenure system' has collapsed due to the reluctance of officials to return to their states.

The secretariat advises the minister and also provides the material on which to reach decision. The central secretariat is a conglomeration of various ministries and departments of the Government of India. The central secretariat, as a collection of ministers and departments, in the Government of India. There are some differences between the central secretariat of India and its counterpart, i.e., the British Whitehall. Britain has a unitary form of government, so there is one secretariat (Whitehall) for the whole country. India has a federal polity, there is a central secretariat and separate secretariat for every state government. Further, the civil service in India is scattered far and wide in the country subject to the control of the central and state secretariats. In Britain, the civil service is synonymous with Whithall, and there is no 'tenure' system in Britain.

After a policy has been decided by the minister and the secretariat, it has to be implemented. The execution of policy is the responsibility of the executive organization of the department. A ministry/department has under it an organization called Attached and Subordinate officers. The Attached officers are responsible for providing executive direction required in the implementation of policy laid down by the ministry/department to which they are attached. They also furnish essential technical data and advice to the ministry/department on technical aspects of questions dealt with by them. The Subordinate offices are responsible for the execution of policies and programmes of the government. They generally function under the direction of an Attached office, or in cases of less volume of work directly under a ministry/department.

The importance of proper relationship between the ministries/departments of the Government of India and heads of executive departments, particularly of attached offices, cannot be over-emphasised. On this relationship depends largely the success of the government's policies both in the field of formulation and implementation. But the correct relationship between the secretariat and the head of the department has not developed in India because one branch of administration remains encroaching on the functions of the other. The secretariat remains interfering with of the head of the department.

To smoothing the relationship between the secretariat and the executive departments (Attached and Subordinate offices), the following types of arrangements have been made:

Type A:

Both the ministry and the executive department have distinct and separate offices and files of their own. Consultation between them takes place through self-contained communications.

Type B :

The ministry and the executive department have separate 'offices' and separate files but the head of the executive department is brought in closer contact with the ministry's office' by investing him with appropriate ex-offico secretariat status.

Type C :

The ministry and the executive department have separate 'Offices' but common files and a single file bureau or records cell located in the organization of the executive department.

Type D :

The ministry and the executive department have common office, common files and a common files and a common file bureau, all under the direct control of the head of the executive department.

Type E :

The office of the head of the executive department is concurrently held by a senior officer of the ministry, so that he is responsible for both the formulation of the policy and its execution with the assistance of 'office' located in the ministry.

Type F :

Special cases where cent per cent merger has been brought about between ministries and heads of the executive departments.

The size of the council of ministers, and the number of ministers and departments of the Government of India have been varying from time to time. After every general election, and after every reshuffled of the cabinet, the number of cabinet ministers, ministers of state and the deputy ministers has been changed. A constitution of a new cabinet has also meant merger of some ministries, creation of new ministries or departments, transferring of some departments to various ministers and abolition of some ministries or departments. At the time of Independence, the number of members

was 18 Generally the size of the council of ministers has been between 46 to 45. Following is the list of ministries and departments of the Government of India.

1. ***Ministry of Agriculture:***

   (i) Department of Agriculture.

   (ii) Department of Food.

   (iii) Department of Community Development.

   (iv) Department of Cooperation.

2. ***Ministry of Communications***

3. ***Ministry of Defence:-***

   (i) Department of Defence Production.

   (ii) Department of Defence Supplies.

4. ***Ministry of Education and Social Welfare.***

   (i) Department of Education.

   (ii) Department of Social Welfare.

5. ***Ministry of External Affairs.***

6. ***Ministry if Finance.***

   (i) Department of Banking.

   (ii) Department of Economic Affairs.

   (iii) Department of Expenditure.

   (iv) Department of Revenue and Insurance.

7. ***Ministry of Foreign Trade.***

8. ***Ministry of Health and Family Planning.***

(i) Department of Health.

(ii) Department of Family Planning.

9. ***Ministry of Home Affairs.***

(with a Department of Administrative Reforms within the Ministry)

10. ***Ministry of Industrial Development.***

(i) Department of Industrial Development.

(ii) Department of Internal Trade.

11. ***Ministry of Information and Broadcasting.***

12. ***Ministry of Irrigation and power.***

13. ***Ministry of Labour and Rehabilitation.***

(i) Department of Labour and Employment.

(ii) Department of Rehabilitation.

14. ***Ministry of Law and Justice.***

(i) Department of Legal Affairs.

(ii) Legislative Department

(iii) Department of Justice.

15. ***Ministry of petroleum and Chemicals***

(i) Department of Petroleum

(ii) Department of Chemicals.

16. ***Ministry of Planning.***

17. ***Ministry of Railways.***

18. ***Ministry of Shipping and Transport.***

19. ***Ministry of steel and Mines.***

(i) Department of Steel.

(ii) Department of Mines.

20. ***Ministry of Tourism and Civil Aviation.***

21. ***Ministry of Works and Housing.***

22. ***Department of Atomic Energy.***

23. ***Department of Company Affairs.***

24. ***Department of Culture.***

25. ***Department of Electronics.***

26. ***Department of Parliamentary Affairs.***

27. ***Department of Science and Technology.***

28. ***Department of Space.***

In a Parliamentary democracy, the creation of Department is the discretion of the cabinet and the arena of coalition Government, the number of Ministers oscillated according to the requirements of partners of coalition.

Model Question :

Discuss the relationship between Minister and Secretary in the Department.

LESSON - 5

CABINET SECRETARIAT

Before the advent of the portfolio system in the government of India, the Governor -General-in-council was accountable for all government dealings and the council functioned as a joint consultative board. However, as a consequence of the expanding nature of government functions leading to an increase in activities and their growing complexity, the Governor-General distributed the work of different departments among various members and only important cases were referred to the Governor-General himself or the council. The Indian Councils Act of 1861 in the time of Canning formalized this procedure, which lead to the introduction of the portfolio system.

The head of the Secretariat of the executive council was the official private secretary to the Governor-General; but he did not attend the meeting of the council. It was Lord Wellington (1931-36) who for the first time asked his private secretary to accompany him at the meetings of the executive council and this "useful and convenient" practice was continued by his successors. But it was only in November 1935 that the private secretary was designated as secretary to the Executive Council in addition to his other duties. A little later the two functions, namely, acting as private secretary to the Governor-General and at the same times as secretary to council were separated and were assigned to two different persons holding two different offices. Sir Eric Coates was the first person to be appointed as secretary to the Executive Council. With effect from 5 September 1946, the date of the formation, of interim government, an office known as the Council Secretariat came into existence. This secretariat served the Executive Council as also the coordination committee of the council set up in 1945. In 1947 a significant addition to the scope of the secretariat work took place in the form of providing secretariat assistance to the newly created defence committee of the cabinet. For providing such assistance a separate wing called the military wing was set up and its personnel was drawn from the defence services Later this wing also took over the secretariat work of the Defence Minister's Committee and the Chief of Staff Committee.

In 1948 the Cabinet decided to start a small unit as a part of the Cabinet Secretariat to be known as the Economic and Statistical Coordination Unit. Following the report on the reorganization of the machinery of Government 1949, the Cabinet decided that the economic committee of the secretariat which was previously located in the Ministry of Finance should be treated as a part of the cabinet secretariat and called its economic wing, in much the same way as the military wing. In pursuance of

this decision, as economic wing was formed in the secretariat of the Economic Committee along with its staff was transferred

Drastic changes were made in the organization of the cabinet secretariat, consequent upon the recommendations of the study team on the machinery of the Government of India and its procedures of work This team reported in March 1967 and the Administrative Reforms Commission accepted many of its recommendations in September 1968 Perhaps the most important change made, as a result of the recommendations of the Administrative Reforms Commission, was the creation of a central personnel agency in the cabinet secretariat in August 1970 and the transfer of the department of Administrative Reforms from the Home ministry to the cabinet secretariat in February 1973 Prior to 1970, the services and establishment wing of the home ministry operated as a kind of central personnel agency in conjunction with the establishment division of the finance ministry. The Establishment Office of the Union Government was located in the Home ministry but functioned under the cabinet secretary for performing some high-level personnel and placement tasks The Union Public Service Commission also played an important advisory role in this matter.

The issue of the location of the Central Administrative Reforms Agency has always been controversial When the Government of India accepted the recommendations of Appleby to set up on Organization and Methods Agency, there was a controversy as to its location

The Cabinet Secretary

The head of the cabinet secretariat in India is the cabinet secretary. This office was created in 1950 and N. R Pillai was its occupant. It is allotted to the senior most civil servants chosen by the government This practice is in sharp contrast with that in Britain where he is appointed by selection based on merit In India a person is appointed to this post only at the fag end of his service career and the average tenure of this post has been less than three years and in some cases it has been found necessary to give him extensions. This is in contrast with the British practice where the average tenure has been about ten years There have been only four cabinet secretaries in Britain, over a span of fifty years since Maurice Hankey was appointed in 1916, the fifth one took over in September 1973 Hankey himself served as cabinet secretary for twenty-two years while in India, there have been nine cabinet secretaries in twenty-five years, an average of well under three years.

As regards the functions of this officer, *in the opinion* of the Gopalasamy Ayyangar Report (Reorganization of machinery of government committee, 1949). "He should be an administrative officer of the *highest rank* .. .. and he should be entrusted, as head of the cabinet secretariat, with the positive function of *securing* co-ordination as well as *timely and effective* action by all departments of the Government of India in all matters in which the Cabinet as whole *or the Prime* Minister is interested.

The Administrative Reforms Commission also recognized the need for strengthening *the role* of the cabinet secretary on important policy matters *It clearly* recognized that the cabinet *secretary* is the principal staff adviser of the prime minister, the cabinet and the cabinet committees on important policy *matters*. Therefore, he *should tender the* advice given by the cabinet secretary on policy matters at *his* own level instead of being passed down to *his juniors in* the cabinet secretariat. This implies that the role of the cabinet secretary in tendering *advice on matter* of policy *would be restricted* to a few very important cases with which he can deal personally.

Khera has very well brought out the role of the cabinet secretary "The Cabinet Secretary provides the eyes and ears for the Prime *Minister to keep in* touch with the *process of* official business in the central government. But he is in no sense the *watch-dog or invigilator on behalf of the Prime* Minister.

Model Question:

Discuss the role of Cabinet Secretariat in India.

LESSON - 6

MINISTRY OF HOME AFFAIRS

Of all the Ministries and Departments of the Union Government, the pride of place goes to the Home ministry. In the first place, it is one of the four oldest departments set up as a result of the reorganization of the Company's government in 1843 Secondly, it was, to begin with, an all-comprehensive department, including within its jurisdiction in all matters except those relating to military, finance and foreign affairs "Out of the total of more than nine hundred items of work pertaining to the Government of India as a whole, the Ministry of Home Affairs has been entrusted with the largest number of items, i.e., one hundred and sixty-five which are of heterogeneous nature affecting almost every citizen and each area of the union. Any matter which does not fall under the jurisdiction of any other ministry is unhesitatingly handed over to the Ministry of Home Affairs which is supposed to have the capacity to handle any residual matter. "Thirdly, this ministry performs crucial functions of dealing with the relationship between the centre and the states, administration of centrally administered territories, public services, internal security and law and order ad is very much involved in the administration of the states under emergency provisions

At present, the Ministry has four Departments, namely, the Department of Internal Security, the Department of States, the Department of Home and Department of Official Language It also administers and controls the Indian Police Service and the allied organizations such as the intelligence Bureau, the Bureau of Policy Research and Development, the Institute of Criminology and Forensic Science, the National Crime Records Bureau, the Directorate of Coordination (Police Wireless) and the Sardar Vallabhabhai Patel National Police Academy.

The Ministry is headed by the Home Minister, who holds the portfolio of Home Affairs, and is assisted by a Minister of State and Deputy Minister. The Home Secretary, who is a senior member of the IAS, is the administrative head of the Ministry of Home Affairs. To assist him, there are Additional Secretaries, Joint Secretaries, Directors, Deputy Directors, Special Assistants, Under-Secretaries, Section Officers and other officials

Functions

The functions of the Ministry can be described under the following headings:

Public Security

The Ministry is responsible for the maintenance of law and order in the union territories. In the case of states, which are primarily responsible for the preservation of peace, the role of the union government is merely advisory and coordinating.

Public Services

One of the important functions of the Home department/ministry has always been the responsibility for general administration and in particular the organization and functioning of the services. This position continued till the transfer of its personnel functions to the newly created Department of Personnel (1970), which was located in the cabinet secretariat. This limited the jurisdiction of the ministry in this sphere to administering the Indian Police Service cadre only. However, in march 1977, the Government had the personnel department transferred back to the Home ministry, which now deals with the following items of work in this field:

1. General questions (other than those which have a financial bearing), including conduct rules relating to All-India and union public services except in regard to services under the control of the Ministry of Railways and the Department of Atomic Energy.

2. Matters relating to the National Academy of Administration, the National policy Academy, the Central Detective Training School, the Central Forensic Laboratory, the Central Fingerprint Bureau and the National Fire Service College.

3. Schemes for staffing senior posts at the center.

4. Appointments Committee of the Cabinet, Central Establishment Board, Central Secretariat Service Selection Board and the Establishment Officer to the Government of India.

5. Matters relating to the Indian Administrative and Police Services.

6. All India Civil List and History of Services.

7. Indian Frontier Administrative Services.

8. Central Secretariat Service (Reorganization and Re-enforcement) Scheme,

Central Secretariat Stenographer's Service Scheme and Central Secret
Clerical Service Scheme.

9. Indian Statistical service and Indian Economic Service.

10. Other central services except Railway services and services under tl control of the department of Atomic Energy recruitment, promotion ar seniority.

11. General policy regarding age limits, medical standards, educationa qualifications and recognition of nontechnical degrees/diplomas for appointment to government service.

12. Conditions of service (other than those which have a financial bearing) of ministerial and class IV staff of the central government secretariat and its attached and subordinate offices except that of the Ministry of Railway and the Department of Atomic Energy.

13. Classification of posts and grant of gazetted status in relation to services other than railway services.

14. Recruitment of ministerial staff for the central government and it's attached and subordinate offices.

15. General policy regarding grant of extensions to or re-employment of superannuated officers.

16. General policy regarding entrenchment and reversion of temporary government servants.

17. Administration of the Central Service Rules.

18. Service associations of non-industrial employees of the union government.

19. Matters relating to provision of amenities to the secretariat staff.

Administration of Union Territories

According to the Constitution, the Union Government is the real repository of uthority in this respect and is responsible for the administration of these territories. ıe President administers these territories through an administrator to be appointed him with such designation as he may specify. This power of the President is ɘrcised through the Home ministry.

Matters relating to the States:

The following items of work fall in this category.

1. Establishment and formation of new states.

2. Alterations of areas, boundaries and names of states.

3. Model rules of business for state governments.

4. Issue of notification of appointment, resignation and removal of Governors and Lieutenant Governors.

5. Administration of scheduled areas, autonomous district of Assam, North-East Frontier Agency and tribal areas.

6. Inter-state councils.

7. Constitutional provisions regarding the state of Jammu and Kashmir and other matters relating thereto except those with which the external affairs ministry is concerned.

8. Special provision in Article 371 of the Constitution with respect to the states of Andhra Pradesh, Punjab and Maharastra.

9. Matters relating to the rulers of the former Indian states under clause (22) of Article 366 and their families.

Matters relating to scheduled castes, scheduled tribes, identified, nomadic and semi nomadic tribes and other backward classes including scholarships to students of these groups. This category included the following items

1. Appointment, resignation, etc. of Special Officer for the scheduled castes, the scheduled tribes, etc.

2. Reports of the Special Officer.

3. The commission's report on the administration, areas and the welfare of the scheduled tribes in any state.

4. Reports of the commission to investigate into the conditions of backward classes.

Appointment to High Positions:

This Ministry is concerned with appointment to most of the high positions like Governors, Lieutenant-Governors, Chief Commissioners, Chairman and Members of the Union Public Service Commission, Inter-State Commission, Commission on Official Languages, Special Officer for the Scheduled Castes, and so on. It is also concerned with the conditions of service of the above officers. In addition, the emoluments, allowances, privileges and rights in respect of leave of absence of the president and Governors, salaries and allowances of Ministers, Deputy Ministers and Parliamentary Secretaries of the Union Government fall within its purview. It also issues notifications of appointments and resignations of the Prime Minister and other Ministers.

Emergency

Matters relating to the emergency provisions of the Constitution (other than those relating to financial emergency) are the concern of this ministry. The report of the Governor on the conditions prevailing in his state and his recommendations for the imposition of President's Rule is sent to this ministry, which processes it. It also supervises the administration in that state by the Governor with the help of his advisers who are appointed on its recommendations.

Other matters

There is a Hindi Division in the Ministry of Home Affairs to review the progress in the use of Hindi as an official language in the Ministry and its attached and subordinate offices. The officers of the Ministry also inspect attached and subordinate office so as to assess the progress made in the implementation of the Act and the orders issues by the Department of Official Language in connection with the use of Hindi

The Ministry also deals with other subjects like the Padma Awards and Jeevan Raksha Awards, medals, sanction of pension to the Freedom Fighters; declaring of protected areas under the Foreigners (Protected Areas) Order, 1958; administration of the Foreign Contribution Regulating Act; issue of modifications concerning appointments, resignations and removal of the Chief Justice and Judges of the Supreme Court, High Courts, Comptroller & Auditor General, Attorney General, Governors, Chairman and other Members of UPSC; matters relating to criminal law and procedure; preparation of Warrant of Precedence and list of national holidays; publication of the Gazette of India, etc., setting up of Inter-State Commissions, Language Commission, Minorities Commission; other Enquiry Commissions, National Flag, the National Anthem; the National Emblem; cases of nomination of members to

the Council of States, placing of proclamations of President before the Parliament; matters relating to grant of pardons, reprieves, suspension or communication of a sentence of death by the President, emergency relief; creation of Central Ministers; salaries and allowances of different categories of Central Ministers, and matters connected with code of conduct for Ministers.

Although some of the important subjects which were dealt with by the Ministry of Home Affairs have been transferred to the Ministry of Personnel, Public Grievances & Pensions and the Ministry of Welfare yet it commands respect in the Central Administration because it has upper hand in certain matters.

Moreover, number of federal tension in the Union-State relations are also generated by the kind of development. In such a situation, the role of the Ministry of Home Affairs acquires a greater significance, and it should deploy the Para-Military Forces only when there is no alternative except doing so.

Apart from all other factors, the Ministry of Home-affairs occupies a key position. As it does all the important functions of the government it plays a dominant role in the Indian administration This Ministry is a typical example of the organization of the Department. Due to the increase in the functions of the Home-Ministry, the number of attached offices of the department is also increasing.

Model Question :

Describe the organization and functions of Ministry of Home affairs.

LESSON - 7

CENTRE - STATE RELATIONS

The major question in Indian constitution is whether India is a 'federation' or 'unitary'. There are different views by experts over this factor. Some of the constitutional experts say that India is not a federation at all. The reasons given by them are the central government has kept all the important powers, in their hands. The states are given subservient role to play in the federal structure.

According to professor K.C. Wheare, the Indian Constitution establishes a 'quasi-federal' state. The same argument is given by K.M. Munshi, a prominent member of the Constituent Assembly. At the same time there are different types of argument by Sir Ivor Jennings who said that India has a federation with a strong centralising tendency. According to a former Chief Justice Dr. Gajendragadkar though it partakes of some of the characteristics of a federal structure, it cannot be said to be federal in true sense of the term".

Features of federation

1) A federation had a dual polity.

2) There is division of powers between the centre and the states.

3) The constitution is written and rigid.

4) The constitution is supreme and sovereign.

5) The constitution can be amended only through a prescribed procedure.

6) In the federation the units are neither the creation not at the mercy of the centre.

7) The federal judiciary occupies a very significant place.

Coming to the Indian Constitution the 'federation' or 'federalism' in not mentioned anywhere in the constitution.

The Government of India Act of 1935 proposed a federal constitution for India. It made an important change in the constitutional status of the Provinces of British India. Under the Reforms Act of 1919, the Provincial Governments exercised only

such powers as were delegated to them by the Central Government. Certain subjects were called 'Provincial' but they could be decreased or increased by the Central Government at its discretion and the Governor-General could authorize the Central Legislature to pass laws even in respect of them. Thus inspite of a certain amount of decentralization, the system of government remained unitary. Provincial Governments were administrative agents of the Central Government. The Act of 1935 introduced the federal principle and transformed the Constitutional position of provinces by conferring Provincial Autonomy on them. This term implied that the provinces became independent of the control of the Central Government within their own prescribed limitations. They became autonomous units deriving their powers not from an omnipotent Central Government but directly from the constitution, which laid down a clear-cut distribution of subjects. The powers of the Provincial Governments could no longer be decreased or increased by the Central Government at will.

The Provinces exercised independent legislative, executive, and financial authority on subjects included in the 'provincial list' except under special circumstances. Of course, the autonomy of the provinces was restricted in various ways, and the central Government could exercise over them even in respect of provincial subjects under certain conditions.

The new Constitution makes India a federation, a Union of States. It embodies the basic principle of federation, viz., the distribution of powers between the Centre and the units or the constituent States. The States, which have been given the status of autonomous units, can administer the subjects assigned to them with complete independence. But the Constitution of the Indian Republic contains certain provisions, which empower the Union Government to pass laws even on those subjects, which fall under the State List. This arrangement has been devised in order to make India a strong nation. The new Constitution is, therefore, a compromise between unitary system and federalism. We shall make detailed analysis of the relation between the States and the Union.

Distribution of Powers Between the Union and the States

Three Lists of Subjects

The various subjects of legislation have been enumerated exhaustively in three lists-the Union Lists, the State Lists and the Concurrent Lists-given in the 7th Schedule of the Constitution. The Union list contains those subjects over which the Union (Central) Government has exclusive authority and over which only the Union Parliament can frame laws.

The Union List

The Union List contains 97 subjects which include Defence. Foreign Affairs, Citizenship, Shipping, Airways, Post and Telegraphs, Currency, Coinage. Foreign Exchange, Foreign Loans, Reserve Bank of India, State Lotteries, Foreign Trade, Inter-State Trade and Commerce, Banking, Insurance, Census, Constitution and Organization of High Courts etc.

The State List

The State List comprises 66 subjects including Public Order, Police, Prisons, Local Government, Public Health and Sanitation, Education, Agriculture, Forests, Fisheries, Industries, State Public Services etc. On subjects contained in the State List, the State Government has exclusive legislative and administrative jurisdiction except under circumstances specified in the Constitution when the Union Government may deal with them.

The Concurrent List

The Concurrent List contains 47 entries and includes such subjects as Criminal Law, Criminal Procedure, Marriage and Divorce, Contract, Civil Procedure, Trade Union, Welfare of Labour, Price Control, Factories, Economic and Social Planning, Social Security and Social Insurance, Electricity and Newspapers, Books and Printing Press etc.

Significance of the Concurrent List

The Concurrent List enumerates those subjects on which both the Union Government and State Governments are competent to pass laws on the condition that if there is a conflict between a law of the Union Government and that of the State Government dealing with a concurrent subject, the Union law shall prevail and the State law shall be invalid to the extent to its repugnance to the Union law.

The three lists are very exhaustive. Still it is possible that it may be found in future that some subjects have not been included in any of them and escaped the attention of the constitution makers. They will be known as residual powers. The Constitution lies down that residuary powers shall be vested in the Centre, that its, all matters not enumerated in the Concurrent List are deemed to be in the Union List.

The Principle followed in classifying the various subjects, as Union, State or Concurrent is the same, which underlies federal Constitutions in general. Subjects,

which affect the country as a whole, i.e., which have a national importance or which require a uniformity of legislation and administration throughout the country are allotted to the Union Government. On the other hand, subjects which have a narrower scope and which call for different legislative and administrative treatment in accordance with the special conditions prevailing in different states are placed under the control of the State Governments. The Concurrent list contains subjects, which may ordinarily to give the Union Government the power to deal with them if and when they acquire national importance. The Indian federation bears closer comparison to the federation of Canada than to that of the U.S.A. where certain specified subjects are assigned to the Federal Government while all residuary powers are vested in the States Conditions under which Union Government can legislate on State Subjects also a phenomenon.

The desire to make the Centre as strong as possible is also revealed in the provisions, which enable the Union Government to invade the sphere of State jurisdiction and pass laws in respect of any subject in the State List. This can occur under four conditions viz , (1) The Union Parliament has power to frame laws in respect of a matter in the State List if the Council of States (Rajya Sabha) declares by a resolution that it is necessary or expedient in the national interest. Such a resolution must have the support of not less than two-thirds of the members present and voting (2) If the President of India issues a Proclamation of Emergency declaring that the security of India or of any part thereof is threatened, whether by war or external aggression or internal disturbance, then the Union Parliament shall have the power to legislate with respect to any of the matters enumerated in the State List so long as the proclamation remains in force. (3) Parliament can also make laws for implementing treaties or international conventions even if the subject or subjects affected by the treaty or convention fall in the State List. (4) Finally, Parliament has also the power to make laws for two states or more, power is conferred on Parliament by a resolution passed to that effect by the Legislative of those States.

Relations between the union and the states

- India is a quasi-federation. A dual polity has the established without introducing dual citizenship That our federation has a distinct unitary bias is evident from the fact that the component units, the states, have been empowered to frame or amend their own Constitutions, nor haye been given equal representation in the Council of States, the upper House of the federal Legislature. All these may be described as unfederal features of our federal system. Nevertheless, under normal conditions the States do enjoy a considerable measure of autonomy and the conditions under which

the Union can encroach upon this sphere of the state autonomy are clearly defined in the Constitution. Below, we will briefly describe how far in the legislative, administrative, and financial spheres, the states of India are autonomous and how far their autonomy in these spheres is subject to central control and encroachment.

Legislative Relations between Union and States.

As for the legislative relations between the Union and the States, we have already noted the three-fold distribution of powers. The Union list demarcates an area of exclusive Union jurisdiction. On subjects enumerated in this list, the Union Parliament can make laws for the whole of India or a part thereof. The Concurrent List defines a sphere of dual jurisdiction. On subjects mentioned in this both ever, be understood that if the Union and the State pass laws on the same concurrent subject and the two laws are in conflict with each other, the Union law will prevail and the State law will be null and void to the extent to which it conflicts with the corresponding Union law. The State list contains on which, ordinarily, the States and not the Union legislature. But even here, the legislative autonomy of the States is not complete or inviolable. We have said earlier that Parliament can made laws on any state subject if by a two-thirds majority, the Council of States declares it to be necessary or expedient in the national interest. Residuary powers, i.e., powers not mentioned in any of the three lists, have been vested in the Union. It will thus be seen that the distribution of powers laid down in the constitution lacks the character of finality. The Council of States represents the states and, as such a resolution of the Rajya Sabha empowering Parliament to pass laws on a state subject may be assumed to carry with itself the approval of the States.

The legislative autonomy of the States can be completely suspended during periods of national emergency. When in the event of a war or internal disturbance or a danger of such was or disturbance, the President of India issues a Proclamation of Emergency, the Union Parliament becomes empowered to pass laws on all subjects mentioned in the State list. Again, if the President declares, by a Proclamation, that the Government of a State cannot be carried on in accordance with the Constitution, the same effect can follow with regard to the State concerned.

Parliament can make any law for the whole or any part of India for the implementation of international treaties, convention and agreements or any decision made at an international conference etc., and accepted by India. Further, Parliament can made a law on a subject falling in the State list for two or more States if the latter authorize it to do so. Such a law can be later amended or repealed by Parliament

and not by the legislature of the States concerned. Finally, the Constitution provides that if a State legislature passes a Bill relating to certain subjects (e.g., acquisition of property and reduction of the powers of High Courts) the Bill cannot become law unless it is presented to the Parliament for its considerations and receives its assent. It clearly shows that the Union Government has an upper hand in the legislative sphere and the States have to be subservient to it.

Administrative relations between the Union and the States

We may now refer briefly to the administrative relations between the Union and the States As in the case of legislation the executive spheres for the Union and the States are clearly defined by the Constitution. However, there are specific provisions, which enable the Union to control the executive authority of the states. There is in the words of Joshi, "an effective administrative nexus between the Union and its constituent units". The Constitution requires that the executive power of every state shall be so exercised as to ensure compliance with the laws made by Parliament and not to impede or prejudice the exercise of the executive power of the union. For the realization of this object, the Union Government can issue directions to state Government. The Union Government can also give directions to State for the construction and maintenance of national highways and for the protection of railways within its territory. Of course, the Union Government has to pay to the state concerned the money necessary for carrying out directions. If a State fails to comply with the directions issued by the Union, the President can declare by Proclamation with the government of the State cannot be carried on in accordance with the Constitution. Such a Proclamation has the effect of bringing the entire administration of the State under the direct control of the Union Government.

The network of Indian Administrative Services covers the whole country. But the officers of the Central Government function in the States and while they are engaged in enforcing union law, they also carry certain duties on behalf of State Government and are party controlled by the latter.

Financial relations between the Union and the States

The financial relations between the Union and States follow the lines indicated in respect of legislative and administrative sphere. It is a recognized federal principle that the federation and its component units should have independent sources of revenue and that the resources at the disposal of the units should be large enough to enable them to stand on their own feet Up to a point, our Constitution demarcates

the financial resources of the Union and the States. But this demarcation is by no means complete. For instance, there is provision for join heads of revenue, such as income tax and excise duty on tobacco, which are levied and collected by the Union but whose proceeds are divided between the Union and the States

Certain taxes, e.g., stamp duties and duties on medicinal and toilet preparations are levied by the Union but are collected and appropriated by the States These States have specified source of revenue but in cases of certain of these heads the State can impose taxes with the approval of the Union Government In the case of most States, their own financial resources are not adequate for meeting all their needs and they have to depend on grants-in-aid from the Union. It naturally makes the States dependent on the Union Government. As the distribution of financial resources made in the new Constitution was based mainly on that embodied in the Government of India Act of 1935, it was expected that changes might, in due course, become necessary. For every five years a Finance Commission is appointed to review the distribution of resources and to lay down the principles, which are to govern the grants-in-aid from the Union to the States.

The system of government in the States closely resembles that of the Union. The State Executive consists of the Governor and a Council of Ministers with a Chief Ministers at its head.

Sarkaria Commission on Center - State Relations

In 1969 the Government of Tamil Nadu has set up the Center-State Relations Inquiry Committee under the chairmanship of P.V. Rajamannar to examine the problem and suggest measures of reform. On 9 June 1983, Central Government set up the Commission on Center-State Relations under the chairmanship of R S. Sarkaria a retired judge of the Supreme Court. The commission had two other members, both from the career bureaucracy. The Commission examined the working of the existing arrangements between the center and the states and recommended such changes in the arrangements as where appropriate within the present constitutional framework.

The office of State Governor has been a major tension area in Indian federalism. It is alleged that this instrument has been made use of to destabilize the state governments run by parties different from that in power at the center, to facilitate imposition of President's rule and reserve for the President's consideration many state bills to thwart that states' legislative process.

Another issue is that the emergence of planned development has concentrated all power in the hands of the center, with the planning commission acting as its limb. On these premises it is demanded that the Planning Commission be restructured to limit the scope of New Delhi's interference in the area reserved for the states.

Vast expansion in the powers of the Central Government at the expense of state governments and local bodies. The consequent unhealthy centralization, giving undue power to a small coterie, it is urged, needs to be revised. India has now an inter-state council contemplated in the Article 263 of the Constitution: this device institutionalizes to consultative process between the center and the states.

A person to be appointed as a State Governor is desirable that some other party or a combination of other parties does not appoint a politician from the ruling party at the center as Governor of a state, which is being run. The Governor's tenure of office of five years in the state should not be disturbed except very rarely and that too for some extremely compelling reason.

An inter-state council is strongly recommended for resolving inter-state or center-state problems This form should be utilized for discussing matters, which do not pertain to planning, and development and which are mostly administrative in character. All proposed legislation in the Constitution's concurrent list would be very apt matter to be referred to the inter-state council. 'A forum where free and fair discussion could take place on issue affecting inter - state and union (i.e., central) state relations is not only useful but is also necessary'. It shall be a noble constitutional device for discussing the nation's problems generally before those problems become intractable but particularly to maintain fair, just and harmonious constitutional relations between the center and the states or between state and state. This body is to be called the inter government council (IGC) and is to be set up under Article 263 of the Constitution.

The Sarkaria Commission regarded federalism as basically a functional arrangement for cooperative action rather than a static institutional concept. It called for extensive and generous decentralization of powers to the coordination between the center and states for effective implementation of the central laws and national policies. A direction under Articles 256 and 257 and the application of the sanction under Article 365 should be a measure of last resort. all possibilities should be explored for setting points of conflict by all other available means Similarly, before the center deploys its armed and other forces in a state it must consult the state government.

The Sarkaria Commission emphasized the need for decentralization of the

planning process. The objective's of decentralized planning cannot be achieved unless the Panchayati Raj and other local bodies are allowed full scope to play their role To rectify this dysfunction of the local governing bodies, it is necessary to ensure, by legal provisions analogous to those in Articles 172 and 174 of the Constitutions, that election to and session of zilla parishads and municipal corporations are held regularly and these institutions do not remain superseded for long periods.

Effective participation by citizens is an integral part of democracy. Large parts of the programmes, projects and services initiated by the center and executed in the states Many of the programmes undertaken by the states also have wider implications for the center as well as local governments.

Eventhough India is a federation the division of powers between the Centre and State show country's leaving towards unitary form of government. Also the central government accepted the view of the Administrative Reforms Commission that no changes in the Constitution were called for to ensure proper and harmonious Centre-State relations.

The zonal council plays a role affecting centre state relations in India. The zonal councils are deliberative and advisory bodies aiming at posturing habits and institution of economic co-operation and co-ordination among the States. The question is whether any guarantee that these councils will effectively check parochial tendencies.

Model Question :

Discuss the centre-state relations in India.

LESSON - 8

THE FINANCE COMMISSION

In India the Drafting Committee of the constitution in view of the unstable conditions prevailing in 1948, the existing distribution of the sources of revenue under 1935 Government of India Act, should continue for at least five year after which a Finance Commission be appointed to review the position. It is a must for all federal structures.

The India constitution made a provision for the appointment within two years, after the inauguration of India Republic. After that at the existing of every fifth year or in case of read even earlier it can be constituted.

Earlier when it emerged Finance commission consists of a chairman and four other members This commission was created with the purpose of solving the problems of distributing the public revenue. The arrangement is flexible in method. Because the whole division comes under review after every fifth year

Let us analyse the details of the functioning of Finance Commission. The Chief merit of the Finance Commission is its impartial and objective outlook. The commission acts as a buffer between the union and the states, Keeping under control ever-clamouring states for bigger share. This enables the union to tighten its grip over the states It has been the complaint that the union, by giving loans and grants for various projects under education, irrigation, road, animal husbandry, co-operatives, industrial development controls the administration in the states.

The Constitution of India has provided for a Finance Commission to be appointed by the President from time to time Usually, every fifth year, such a Commission is appointed to make recommendations on the distribution of shared taxes, grants-in-aid and any other matter referred to it. From 1951 till now 11 such Commissions have been appointed The qualifications of the Chairman and four other members to be appointed by the President,

(i) have been specified in the Finance Commission is selected from amongst persons having experience in public affairs and the remaining members should be selected from amongst persons who are, or have been, or are qualified to be appointed as judges of a High Court: or.

(ii) have specialized knowledge of the finance and accounts of the Government: or

(iii) have had wide experience in financial matters and in administration; or

(iv) have special knowledge in the field of economics.

Specific terms of reference of the Finance Commission

Under the provision of the Constitution, 11 Finance Commissions have reported so far The specific terms of reference of each of the Finance Commissions have been entrusted with the primary task of

(i) determining the shares and allocations of income tax, Union excise duties and duties and estate duty, and

(ii) determining the principles of grants-in-aid to the States

Among the terms of reference of the First Finance Commission (1952, D.C. Neogi, 1952-57) were included grant-in-aid in lieu of export duty on jute products, and terms of agreement with part B States.

The second Finance Commission (1957, K Santhanam, 1957-62) had to look into the problem of indebtedness of States and also recommend the principles for allocation of the proceeds of the additional excise duties imposed in 1957 in lieu of State Sales tax on tobacco, textiles and sugar.

The Third Finance Commission (1961, A.K. Chanda 1962-69) followed the same lines as those on the second Commission.

The Fourth Finance Commission (1965, R.V. Rajamannar, 1966-69), broke new ground since it had to study the incidence of excise duties and sales taxes on production and consumption It had to assess the additional expenditure of the States from department servicing and to pronounce on the creation of a sinking fund to pay the same

The fifth Finance Commission (1969, Mahavir Tyagi. 1969-74) went a step further. It had to enquire into the overdrafts of the States and suggest ways and means of rectifying the situation. It had specifically to study the scope of the extension of the additional excise duties to other articles. Finally, there was a general term of reference for better fiscal management calling for suggestion over a wider range.

The sixth Finance Commission (1973), K Brahmananda Reddy, (1974-79) was asked to examine the States debt position vis-vis non-plan capital requirements, the method of consolidating the Central loan to the States and the case for establishing

a national relief fund by making both the Centre and the States to contribute some proportion of their revenues.

The terms of reference of the Seventh Finance Commission (1978, J.M. Shelat, 1979-84) required it to "review the policy and arrangements in regard to the financing of relief expenditure by the States affects by natural calamities and suggest such modifications as it considered appropriate in the existing arrangements, having regard, among other considerations to the need for avoidance of wasteful expenditure.

The Eighth Finance Commission (1982 Y.B. Chavan, 1984-89) examined; among other things, the scope of raising revenues from taxes and duties to increase States, resources position.

The Ninth Finance Commission (1987, N.K.P. Salve. 1989-95) was asked to adopted a normal approach while assessing the receipts and expenditure on revenue account not only of states but also of the Centre, with regard to the special problem of each State and the Special requirements of the Central Government. The Commission was asked to evaluate the position of surpluses on revenue account of both the Union and the States for capital investment The major departure in the brief given to this commission is that it was empowered to examine both plan and non-plan revenue, expenditure. While the first three commissions did likewise, the jobs of the fourth to the eighth finance panels was confined only to non-plan account.

The Tenth Finance Commission Chairman K.C. Pant

The following observations can be made from the review of the specific terms of reference of each of the finance commissions.

First, the number of additional terms of reference has been increasing steadily.

Secondly, the number of additional terms of reference has been increasing but also becoming a regular feature is not only increasing but also becoming a regular feature of the terms of reference of the finance commission.

Finally, of these additional terms of reference, the problem of States indebtedness to the Centre is being repeatedly referred to the Finance Commission.

The eleventh Finance Commission is appointed In 1998 by the Central Government under the Chairmanship of Rengarajan the former Governor of Reserve Bank of India. It pursues the problem of the Finance between the Centre and the States. This Commission has started serious discussion with the Chief Ministers of

the States and other Central Ministers to make recommendations to the Centre and States Finance sharing.

The following are the main recommendations of the 11th Finance Commission

1. The overall scheme of transfer of funds, 37.5 per cent of the gross revenue receipts would to be the ceiling to be transferred to the states.

2. The Criteria for determining share of taxes in the central pool of taxes and duties as follows: 1) Population 10% 2) Distance of per capita income of the state from that of the state having highest per capita income is 62.5% 3) Area 7.5 per cent 4) Index of Infrastructure 7.5 per cent 5) Tax efforts 5% and Fiscal discipline 7.5%. So it has modified from the Tenth Finance Commission distribution of revenue. The Tenth Finance Commission ratio of the above, 1) 20% population 2) 60% 3) 5% 4) 5% 6) 10% and the Fiscal discipline is only in the 11th Finance Commission which s conspicuously absent in the 10th Finance Commission.

It may be noted that out of the total devolution of funds, the share of taxes and duties is 86.5 per cent and that of grants in only 13.5 per cent. The revenue difficult of the states is adjusted. The Eleventh Finance Commission has provided support to Local bodies by a total grant of Rs.10,000 crores for the 5 year period. Out of which Rs.1,600 crores for panchayats and 400 crores for Municipalities for every year.

The Eleventh Finance Commission was criticised for changing the criterion for devolution and the formula of progressvice and backward States. It is calculated as that the Southern States stand to lose Rs.12,204 crores in revenue for better performance and at the same time laggards like Uttar Pradesh, Bihar and Madhya Pradesh stand to gain Rs.16,074 crores. It is also blamed as were distortation of facts However, Eleventh Finance Commission has viewed matter an All India approach to help the poorer states to develop faster. This endeavour of the 11th Finance Commission deserved to be appreciated.

Recommendations of the Finance Commissions

The recommendations of the Finance Commission are grouped under three heads, viz ,

(A) Tax-sharing,

(B) Grants-in-aid and

(C) Central loans to the States.

A. Tax-Sharing

While the Tax-Sharing between the center and the states is based in percentages of the proceeds, tax sharing among the States in a Federal setup can be affected on several bases. These are depending upon on

(i) Population of a State, which can be regarded as an indicator or need.

(ii) Collection of State Revenue, which is an indicator of its contributions to the National Treasury and the divisible pool.

(iii) Equalization among states for backwardness for which, indicators are framed and weightage applied when making devolutions.

In India, different principles have been applied to different shared taxes. Income taxes have been distributed on a population cum collection formula; excise duties on a population cum backwardness basis; and ad hoc grants in lieu of the tax on railway passenger taxes on a railway zonal mileage and earnings basis and state duties solely on a collection basis.

Division and Distribution income tax

Income tax is imposed and collected by the Central Government, but its proceeds are shared with the States. The Finance Commissions have been asked to make two types of recommendations.

(a) What should be the States share in income - tax? and

(b) What should be the basis of distribution among different states?

As to (a) the States share in income tax has been progressively increasing. The first Finance Commission had recommended that 55 percent of the total proceeds from income tax should be distributed among the States. The subsequent Commissions raised it to 60 percent, $66^2/_3$ percent, 75 percent, 80 percent, and 85 per cent respectively.

As to (b) population is the criterion of the distribution of proceeds among different states. Levels of per capital income and of development or under development modify this. Collection is another criterion.

The first Finance Commission gave 80 percent weightage to population and 20 percent for collection. The Second Finance Commission had raised the weightage of

population to 90 percent Subsequently, the Third Finance Commission and the Fourth Finance Commission again, reduced this weightage to 80 percent The Eighth Finance Commission devised a new formula for distribution of income tax; 90 percent of the states share of income tax will be distributed by the population criterion, modified by levels of per capital income and of development or underdevelopment. The formula for this distribution is 25 percent on the basis of this population 25 percent on the basis of distance of per capital income multiplied by the population and 5 percent on the basis of distance of per capital income from the higher per capital income multiplied by the population of the State. The balance of 10 percent of the income tax will be distributed on the basis of assessment attributable to a state. It recommended that the proceeds of income tax be distributed among the states in the following manner.

1) 10 percent on the basis of "contribution" as measured by the assessment of income Tax for the year.

2) 45 percent on the basis of "distance" of the per capital income of State from that of the State with the highest per capital income multiplied by the 1971 population of the State concerned.

3) 22.5 percent on the basis of the population of the State.

4) 11.25 percent on the basis of a composite index of backwardness complied by the commission. This index comprises a contribution of two indices, namely population of scheduled castes and scheduled tribes ant the number of agricultural labourers in different States giving equal weight to two factors

5) 11 25 percent in the basis of the inverse of per capital income multiplied by the population of the state.

Division and Distribution of Union Excise Duties

The central government is empowered to levy and collect excise duties But it is under no obligation to share the proceeds of the excise duty with the States. It can however, shares the proceeds. The successive finance commissions have been asked to report on this matter and recommend.

1) the States in the total pool and

2) the criterion for distribution among different states.

The first Finance commission had recommended the share of the states in the national pool at 40 percent This was reduced to 25 percent by the second finance commission and further to 20 percent by the third finance commission. The fourth, the fifth and the sixth commissions did not make any change in this share. The seventh finance commission raised this share to 40 percent. The eighth finance commission further raised it to 45 percent, which has also been retained by the remaining commissions.

As the second, two criteria have generally been adopted viz., (i) population and (ii) backwardness while the first finance commission gave more weightage to economic backwardness (60 percent) of the State in the distribution of divisible pool of the excise duty Successive finance commissions have emphasized more upon the size of population The weightage of pollution has been 20 percent in the second, 80 percent in the third, the fourth and fifth and 75 percent in the sixth commission. The seventh finance commission adopted a different stand in this regard. It gave equal weightage to four factors, viz , (i) population; (ii) increase in per capital income of a state, (iii) percentage of the poor in each state and (iv) formula for equalization. The eighth finance commission recommended the same principle for distribution of 90 percent of states share of excise duties will be distributed to those states, which have deficits taking into accounts their share from the devolution of taxes and duties. This introduced a new principle of directly linking devolution to deficits rather than dealing with them only through grants-in-aid. The ninth finance commissions recommended the consolidation of the entire amount to be distributed among the various states in the following manner.

1) 25 percent should be distributed among the states on the basis of 1971 population

2) 12.5 percent should be distributed among the states on the basis of income adjusted total population.

   For calculating income adjusted total population, the 1971 population of the states should be weighted with the inverse of the average per capital income as per the new series for the triennium 1982-83 to 1984-85. The share of the state is to be determined by the percentage of the income adjusted total population of that state to the aggregate of the income adjusted total population of all the states.

3) 12.5 per cent should be distributed on the basis of the index of backwardness.

4) 33 5 percent should be distributed on the basis of "distance" of per capita income (new series) of a state during the triennium 1982-83 to 1984-85 from that of the State having the Highest per capital income, i.e., Punjab multiplied by its 1971 population.

5) The remaining 16.5 per cent should be distributed among the states with deficits after taking into account their shares for the devolution of all taxes and duties Distribution should take place on the basis of the proportion of deficit of each state to each State's deficits worked out by the Commission.

The Tenth Finance Commission used the same formula for both Income Tax and Excise. The Eleventh Commission has reduced the population criteria of from 20 percent to 10 percent.

Estate Duty

The estate duty on property other than agricultural land is levied and collected by the center. The amount involved has not been significant In the beginning all the proceeds of the estate duty were assigned to the states. The second finance commission recommended that one per cent of the net proceeds should be assigned to the Union Territories and the balance be divided among the States. The third finance commission did not make any change in it. The fourth finance commission raised the share of the Union Territories to 2 per cent; this remained unchanged in the recommendations of the fifth finance commission. The sixth Finance commission and the eighth finance commission recommended that the distribution of the net proceeds of estate duty on property other than agricultural land should be in proportion to the gross value of all property located in each state.

In addition the successive Finance commission have also made recommendations about grants to States in lieu of Tax on railway passenger fares.

Grants-in-aid

Grants-in-aid on revenue account are made by the Centre to the States. "Budgetary gap", "financial need" etc., are some of the expression used to indicate the guiding principles governing the unilateral transfers through the Finance commissions have been asked to determine the principles governing grants-in-aid. The first finance commission formulated a set of principles, which have been generally followed by its successors. These are as follows.

1) The purpose of the grants-in-aid was to recommend adequate resources for

the States, which did not get enough by way of tax devolution.

2) An important objective is equalizing the level of social services in the States.

3) Another consideration would be to aid states in undertaking a public activity interest.

4) Tax effort and economy in expenditure should be taken into account while determine the eligibility of a State or Grant of Assistance.

In short, the finance Commission have taken the stand that only the general needs of the states as reflected by their population should be the dominant factor for tax sharing; special needs and equalization in respect of area and backwardness must be met through the grants-in-aid mechanism.

The first finance commission recommended total grants-in-aid of the value of Rs 446.67 core to be distributed among 14 states. The second finance commission recommended a sum of Rs.208 30 crores for distribution among 11 States; the Third Finance Commission put a sum of Rs.244.00 crores for distribution among 11 states; the fifth Finance Commission raised this sum to Rs.710.99 crores for distribution among 14 states, the sixth finance commission raised this sum to Rs.2,509.61 crores for distribution among 14 states. The seventh finance commission provided for a larger devolution of taxes to the States and all or most of the less affluent States would have surpluses on revenue account. The Commission therefore recommended a smaller grant of Rs.1,610 crores, out of which Rs.1,173 crores would go to deficit states to cover their deficit and Rs. 437 crores to 17 states to upgrade the standard of administration. The Eighth Finance Commission marked a departure from the past. It linked devolution of excise duties to deficits grants purportedly to make them buoyant. Taking into account the additional D.A. liability and the annual escalating, deficit States become eligible to a grant of Rs.1,955.83 crores during 1985-89 (the period for which these recommendations are operative). The ninth finance Commission in its first report, operative during the year 1989-90, recommended a sizable increase in Central grants, totalling to about Rs.4,400 crores for this one year alone.

The Tenth Finance Commission's grant in aid is about Rs.7,580 crores to cover the deficit on revenue account 1995-2000. Upgradation grant Rs.1,360 crores grant to solve special problems Rs.1,250, calamity Relief Rs.4,730 crores and Rs.5,380 crores to local bodies. The Eleventh Finance Commission Rs. 35,350 crores for deficit finance, Rs.4,975 crores upgradation grant Rs.10,000 crores for local bodies, Rs.8,256 crores for Relief expenditure.

Central Loans to States

Although loans do not come under than purview of the resources transfers recommended by the Finance Commissions, the Central Government has their advice to minimize the growing indebtedness of the State. The first reference of this kind was made to the second Finance Commission. The second Finance Commission recommended consolidation of loans and rationalization of the structure of the interest rates and periods of repayment so that the net interest buyer was to be reduced by Rs.5 crores per annum for the State. The fourth finance commission was asked to assess the assistance required by the States for debt servicing. The commission recommended that both the interest charges and amortization should be regarded as revenue expenditure for working out grants-in-aid The fifth Finance Commission was asked to examine the problem of unauthorized overdrafts by the State Governments on the RBI and recommend suitable measures to minimize its incidence. The commission recommended a series of measures like more frequent releases of tax shares, consolidation of loans so that repayment coincides with the release of Central funds to the States and the time of floatation of their loans, a periodical review of limits by the RBI, modifying the size of the plan, etc The Sixth Finance Commission was asked to assess the non-plan, capital gap of the States, undertake a review of debt position of the State and suggest changes in the terms of repayment. The commission estimated that 19 States would have gaps totalling Rs.1,994 crores by 1978-79. It recommended consolidation of some loans into uniform categories, extension of the period of repayment, a moratorium on repayment of some loans and writing-off of repartition loans It recommended a total debt relief of Rs 1,970 crores. The Seventh Finance Commission recommended reorganization of the debts of the States to Centre and recommended relief to the extent of Rs 2,156 crores during the period 1979-84 For purposes of debt relief, Eighth finance commission computed the non-plan capital after excluding repayment of over draft loans and small savings loans The estimated relief to the States in the five-year period amounts to Rs. 2285.39 crores The Eighth Finance Commission was required to review States debt position as on 31-3-1989 and suggest corrective measures. The commission has recommended that the State plan loans advanced to States during the five years 1984-89 and outstanding as on March 31, 1990 should be consolidated and rescheduled to 15 years in the case of all the states The ninth finance commission recommended a total debt relief of the Rs 975-62 crores. The Tenth Finance Commission and Eleventh Finance Commission have recommended substantial debt relief to the States.

Resource transfer from the Centre to the States

The Centre has been providing financial assistance to the States through three channels

These are

(1) through the recommendations of the Finance Commission, i.e., statutory transfer;

(2) through the aegis of the Planning Commission, a non-statutory agency. In the distribution of loan assistance, the planning Commission has been working on the basis of the modified Gadgil formula which gives the following weightages:

   (a) Population 60 percent,

   (b) Tax efforts 10 percent,

   (c) per capita income below national level 20 percent,

   (d) special problems 10 percent and

(3) at the instance of the Union Ministries, specially the finance ministry.

An Approach to Restructuring of Fiscal Federalism in India

Evaluation of the trends in terms of the various aspects and components of fiscal federalism in operation in India since independence has revealed certain basic weakness First, the abject dependence of States on Central finances has undermined the federal features and reduced the system to one of fiscal Unitarianism. This trend is in conflict with the needs and aspirations of emerging political forces asserting themselves at the state level. The present political climate calls for a revival of the federal consensus that prevailed in the country before independence. The quasi-federal framework that was envisaged in the constitution and the unitary slant that has been given in its actual working have to be rolled back while restructuring Center-State relations What is needed is a pluralistic structure of multi-level federal polity with clear demarcation of the coordinating role of the Planning Commission and other Central agencies The concerns and fears of the States about Central coordination can be safeguarded by according to the National Development Council an appropriate place and status in the Constitution as well as by equipping it with adequate powers of coordination. The basic purpose of any Constitutional realignment is to ensure

the unity and integrity of the country by establishing healthy and harmonious relations between the center and the States so that the needs and aspirations of the people are satisfied where they are most acutely felt and articulated. Secondly, inter-regional imbalances are bound to weaken the bonds between various nationalities and linguistic or cultural groups. The fiscal arrangements for mobilization and allocation of resources should be geared to reduce regional imbalance of course, the problem of regional imbalance cannot be dissociated from the framework and process of economic development in the country as a whole, including those of the private sector It is true that the unevenness of private sector operations, over which the big business houses have a determining influence, is primarily responsible for unbalanced regional development. But this could be countered only by a well-conceived policy of public investment, regulation and control. But fiscal instruments could make a significant contribution towards balanced regional development. Modifications of fiscal federal relations should therefore be imbued with the objective of balance regional development.

The distribution may be entrusted to the Finance Commission, which would be made a permanent body. Finance Commission should be spared the responsibility of determining the shareable proportion of each tax. Adequate safeguards should be built into the system of distribution to ensure that backward regions are given the requisite weightage. The second step is to keep the discretionary element in fiscal transfers within strict limits. There is no need to make the Planning Commission a statutory body. No useful purpose would be served by conferring statutory recognition to a staff agency of the government Its role should be limited to the formulation of the national economic plans having different time frames and perspectives under the overall guidance of the National Development Council in which the Center and the States will have equal representations. The National Development Council should play a major role in determining the composition and functions of the Planning Commission and in arriving at all important plan decisions. The Planning Commission should be divested of all responsibility for discretionary plan grants. All grants-in-aid (both revenue and capital) should be distributed by the Finance Commission on the basis of a formula which may be evolved under the auspices of the National Development Council. The criteria for the distribution of grants should give preponderant weightage to backwardness. The weighted eligibility indices may be prepared every five years by the National Development Council. Fourthly, the Constitution should also provide for a quinquennial review of the expenditure of the Government of India to keep the growth of its non-developmental expenditure within limits. The Centrally sponsored schemes should be discouraged. Such schemes should be rare exceptions. The task of a periodic review of Central Finances may

also be entrusted to the Finance Commission which should be served with the requisite staff support and data base. Finally, a substantial part of the State debt to the Center may be written off. Debt relief given to the poorer States should be substantially large as compared to the richer States. The rest of the loans should be rescheduled on easier terms. Current borrowings by States for expenditure purposes should be discouraged. The States should have access to foreign exchange in proportion to the foreign exchange component of their plans. The National Development Council should have an important say in respect of external borrowing. State borrowing from the public should be as free as that of the Center. They could also borrow from the financial institutions and commercial banks.

In the field of centre-state financial relations, the Finance Commission play a vital role. Though this number of recommendations the Finance Commission strengthens the financial policy and financial position of the country. The Finance Commission must take steps to study the problems of the State Finance and ascertain the opinions of the States by studying the problems at first hand. Then only the reality of the problems will be exposed. The Planning and Financing must be functioned hand in hand and these two commissions should work jointly.

Model Question :

Discuss the functions of Finance Commission in India.

LESSON - 9

CLASSIFICATION OF CIVIL SERVICES IN INDIA

All India and States Services

Civil Services in India belong to two classes: (i) All India Services, and (ii) State Services. The All India Services comprise officers who are recruited by and work under the authority of the Union Government. Members of these services occupy the highest offices from the headship of a district to chief Commissionership Examples of All India Services are Indian Adminisration Service, Indian Police Service, Indian Engineering Service, Indian Forest Services, etc. In the second category there are the State Services of various grades. Officers in the State Service Commission or otherwise and work in the different departments of the state Government concerned.

Recruitment of All India Services

Under British rule

Under British Rule, All India services included the famous Indian Civil Services (the "steel frame" of Indian administration), the Indian Police Service, the Indian Medical Services, the Indian Forest Service, etc. The Members of these services were known for their efficiency But they had no contact with the masses of India made recruitment to those services on the basis of competitive examinations. A little lower in rank and status were the 'Central Services', which included the Indian Railways, Indian Posts and Telegraphs and the Indian Customs Services, etc , appointments to these services were made by the Governor-General partly through nomination and partly on the recommendations of the Federal Public Service Commission on the basis of competitive examinations.

Since Independence

Since the advent of freedom the place of old All-India Services has been taken by the Indian Administrative Services Recruitment to the old Indian Civil Service etc , has been stopped. Under the new Constitution the President on the recommendations of the Union Public Service Commission makes appointments to the Indian Administrative Services. The members of I.A S hold important executive posts both in the Central and State Governments They are all under the control of the Home Ministry in regard to their training, emoluments and conditions of services. Besides those All India Services, there are the Class III and IV employees who work in the various departments and Ministries of the Telegraph, Radio, Telephones, Income Tax, and Survey of India etc

Classification of India Civil Service

Indian Civil Service have been classified as All-India services, control services and state service Let us first analyse All-India services.

The All India service are-common to both the governments, that is both the central government and state government. And another fact is both the central and state governments have their own services. The All-India service are in addition to the central and state services.

The All India service Act 1951 provided for the constitution of only two services, namely

1) The India Administrative service

2) The India Police service

This Act was amended in 1963, and provided there more All India services namely

1) The India service of Engineers

2) The India Forest service

3) Indian Medical and Health service

In the year 1966, India Forest service was constituted. The India Administrative services was controlled by the Department of Personnel and Training. But the Ministry of Home Affairs controlled the India Police service. Where as the India Forest service came under the control of Department of Forest and Wildlife. Only after India Independence in 1947 Indian civil service was replaced by Indian Administrative service. Article 312 of the Indian Constitution authorises the Indian Parliament to create new All India services. For this purpose a resolution has been already passed by Rajya sabha. So creation, of All India services on this basis. However the Parliament should pass an act for the creation of new All India services and not by a Rajya sabha resolution And also Parliament cannot do so without the recommendations of Rajya sabha. By the 1951 All-India services Act central government is authorised to makes rules in consultation with the State government, particularly for the regulation of recruitment and service conditions of personnel.

The members of All India services are recruited and trained by the central government only. Later they are assigned to the state government for work. The members are in case of need deputed to the central government. But irrespective of all these facts, All India service form a single service unit. The members have common

rights, equal status and also uniform scales of pay throughout India. All the three All India services come under Class-I (Group-A) services

The All India services come under three categories of pay-scales

(1) Super time scale

(2) Senior scale

(3) Junior scale

Starting their appointment in the junior scale, they will reach the supertime scale through the senior scale For the members of the All India services the ultimate control rests with the central government, but immediate control is in the hands of the state government.

Central Services

Central services are distinguished from All India services. There are the services which are responsible for administering the activities, programmes and services of central government. They are recruited specifically for this purpose. They do not have the option to be deputed in the states. They are under the exclusive jurisdiction of central government. They function in the specialised position. They are controlled by the Ministry of Personnel.

They are two categories under the central services, namely

1) Central Civil Services

2) General Central Services

The former one is established, whereas the latter comprise of the central civil posts, which are created outside the established services, which are not included in any central civil service. The central services are classified into Class I, II, subordinate and inferior services On the recommendation of the First Pay Commission (1946-1949) Subordinate and inferior services were called as Class III and IV. In the year 1974 central services were classified as Group A, Group B, Group C and Group D in the place of Class I, II, III and IV This was done on the recommendation of III Pay Commission. At present the central services are classified into four categories, namely

Group A

Group B

Group C

Group D

There are 34 Group A in central services.

Group B consists of 25 groups.

Let us see the 34 Group A services.

1. Archaeological service
2. Botanical survey of India.
3. Central Engineering service.
4 Central Electrical Engineering service.
5. Central Health service.
6 Central Information service.
7. Central Legal service.
8 Central Revenue chemical service.
9. Central Secretariat service.
10 Central Water Engineering service.
11. General Central service.
12. Geological Survey of India.
13. Indian Audit & Accounts service.
14 Indian Defence Accounts service.
15. Indian Economic service.
16 Indian Foreign service.
17 Indian Foreign service-B
18 Indian Inspection service.
19. Indian Meteorological service.
20. Indian Postal service.
21. Indian Posts and Telegraph Traffic service.
22. Indian Revenue service (customs Excite and income tax)

23. Indian Salt service.

24. Indian Statistical service.

25. Indian supply service.

26. Mines Department.

27. Mercantile Marine Training ship service.

28 Oversees Communication service.

29. Railway Inspectorate service.

30. Railway Personnel service.

31. Survey of India.

32 Telegraph Engineering service.

33. Telegraph Traffic service.

34. Zoological Survey of India.

Some of the cadres of Group A have corresponding Group B. Where as the clerical personnel come under the category of Group C., Manual personnel are in Group D. While Group A and B are gazetted in rank, Group C and D are now-gazetted. In the category of civil service IFS stands at the top level in terms of prestige, status, pay and also emoluments.

Why are All India Services?

There are arguments far and against the All India services Let us first analyse the arguments in favour of All India services. All India Service personnel function beyond the regional, linguistic and communal interests. Naturally work for the unity of country I.A.S maintain the efficiency in administration ever from the days of British regime As the IAS personnel serve both at the centre and in the states, there is the uniformity in the system of administration IAS help to solve the problems between the centre and the states or among the states, particularly in a federation They establish joint action, co-ordination and co-operation Only best talented citizens form I.A.S because of the prestige and status it has. When the President's rule is declared in a state, an IAS officer is appointed as special officers to take care of the administration. Civic service is meant for impartiality and independence, so they have the freedom to advice the State Ministers. The talented and experienced IAS become man power resource and also beneficial to the states Apart from the above factors, the members of these service constituted the highest rung of the administrative

hierarchy, during the British rule. The IAS is the only multi-purpose All India service is the direct descendant of the prestigious ICS. This ICS was described as "Heaven born service."

Some experts, leaders and also commissions too have the same high views and opinions about the All India Service. Dr. Ambedkar, Sardar Patel and other leaders praised the IAS and stressed the importance of All India services. Patel is even highly regarded as the "Father of All-India Services." Estimates committee of 1966 stressed the importance of All India service in a welfare state. Prior to that the states Re organisation commission of 1955, recommended for the creation of three All India Services of Engineering and the Indian Medical and Health Services.

The Administration Reforms Commission Study Team 1967, and 1969 Administrative Reforms Commission, to the stressed the importance of IAS in the interest of the country ARC only recommended the creation of new All-India services in the fields of education, health, judiciary and water. The All-India services, members have shown themselves capable of discharging the roles, as expected by the framers of the constitution said the Sarkaria commission.

Arguments against All-India Services

All India services were created during the British rule. At that time India was a unitary state Britishers were authoritarian rules, After so many years of independence, whether it is necessary to have the same patterns of administration. Structure has also been changed In this changed environmental All India service has no place. India is a federation. All India services are against federal principle. Because the autonomy of states are restricted because of All-India services The Raja Mannar committee in its report of 1971 recommended the abolition of IAS and IPS All services violates the principle of ministerial responsibility at the of state level. Another big problem in the All-India services is, the states of Indian union are not equally represented Some of the states are over represented and some of the states have no representation It is against the national character Because of the high scales of pay for the member of All India services there is the financial burden for the government The services including pay and promotional avenues are very favourable compared to the state services. So it will demoralise the state services. A gap will develop between the members of the All India service and state service. The creation of new All India Services hampers the effective spread of state services. The spread of All India Services do not facilitate specialisation. It is generally said that "IAS officers are jack of all trades but master of none". This lack of specialisation can not be accepted in the modern age.

Recommendations of Sarkaria Commission

The Sarkaria Commission on Centre-State relations was appointed in the year 1983 The chairmanship of the commission was Ranjit Singh Sarkaria. After the extension of commission for five times and it finally the report was submitted the Centre-State relations on the basis of All India Services. This Commission supported the institution of All-India Services. This is essential for maintaining national unity and integrity.

Sarkaria recommended three new All-India Services a) Indian Service of Engineer b) India Medical and Health Services c) All-India Service for Education. This committee recommended creation of pool of officers drawn both from the centre and states. If the pool system works successfully, their an all India full-fledged should be created. For the management of All India Services, an advisory council under the chairmanship of union cabinet Secretary. It will engage in regular consultation between the centre and the states, on the management of All India Services The State government should be dissuaded by its central government, particularly in using their powers of transfer, promotion suspension and so on, on the members of All India services to discipline them. All the members of the All India Service should put a minimum service under the central government. The main features of All India service namely, selection, training, posting, promotion and so on should be improved. So that in future All India Service will get strengthened. The generalisim in All India Services must give place to specialisation because of the technological advancement in the modern era

Rank Classification

As against the position classification the rank classification was introduced. Rank classification in this is in a hierarchical order. In this the employees are classified not on the basis of the job. The civil service is organised around the incumbent who is a member of a defined group or service and not the post. India has adopted the system of rank classification. But the ARC has suggested the adoption of the system of position-classification in India.

Model Question :

Examine the features of position-classification in India.

LESSON - 10

PUBLIC SERVICE COMMISSION

Union Public Service Commissions

In India, we have two types of Public Service Commissions for the recruitment of public services. (i) Union Public Service Commission and (ii) State Public Service Commission. The Union Public Service Commission is composed of a Chairman and the President may decide such other members. The existing U.P.S.C. consists of a Chairman and 8 other members.

State Public Service Commissions

The President makes the appointment of the Chairman and other members. Each State can have its own Public Service Commission. The Commission also provides that two or more states can have a joint State Public Service Commission. The Union Public Service Commission, if requested by a State can help it in the selection of its officers. Appointments of the Chairman and other members of a State Public Service Commission are made by the Governor but in the case of a joint State Public Services Commission, appointment of the chairman and the President makes appointment other members.

Qualifications and terms of Service

As the main function of the Public Service Commission is to choose suitable personnel for the public services. It is necessary that they should be composed of men possessing wider knowledge and rich experience. For this reason the Constitution lays down that as nearly as may be, one half of the members of every Public Service Commission should be persons who have been in the service of Union Government or a State Government for atleast ten years. The term of office of a member of a Public Service Commission is six years or the attainment of the age of 65 years (in the case of U P S.C) or 60 years (in the case of State or Joint Commission). The President may remove a member of a Public Service Commission on the ground of misbehaviour, insolvency and infirmity of body and mind, after getting the charge enquired into by the Supreme Court.

Integrity and Independence of a Public Service Commission

It is highly important that Public Service Commissions should be characterized by integrity, independence and impartiality. The members should be incorruptible

and free from favouritism. To ensure their independence, the Constitution provides that the expenses of these Commission including salaries, allowances, pensions, etc , shall be charged on the Consolidated Fund of India or the State as the case may be This makes the emoluments of their members non-votable Besides they are given full security of service. To place the members of Public Service Commission beyond the reach of corruption the Constitution makes the ineligible for further government service after retirement except as Chairman or members of others commission

Functions

The functions of the Commission under Article 320 may be summarized as follows

1 To advise the government on all matters relating to the method of recruitment and principles to be followed in making appointments to the civil services either directly or by promotion.

2. To conduct examinations for appointment to the All India and Union Services.

3 To interview candidates for direct recruitment.

4. To advise the government on the suitability of candidates or promotions and transfer The departments concerned make recommendations for such promotions and the Commission is requested to ratify them On an average, the Union Public Service Commission handles about 4,000 cases annually

5. The Commission is also consulted on matters like temporary appointments for periods exceeding one year but not exceeding three years, grant of extension of services and re-employment of certain retired civil servants. About 1,000 such cases come up every year.

6. The Commission is also consulted on matters like regularization of appointments. claims for pension, claims for reimbursement of legal expenses incurred by government servants in defending legal proceedings instituted against them in respect of acts done in the execution of their official duties, claims for pension, or compensation in respect of injuries sustained on duty.

7 The Commission is consulted regarding the making of an order in any disciplinary case in the following circumstances.

i Censure

ii. Withholding of increments or promotion

iii. Reduction to a lower service, grade or post,

iv. Compulsory retirement

v. Removal or dismissal from service

8 To advise the government an any other matter specifically referred to it by the President or the Governor.

The Commission submits its annual report, related to the functions performed during the year, to the President. On receipt of such report the President shall cause a copy thereof together with a memorandum explaining, as regards the case. if any, where the advice of the commission was not accepted, the reason for such nonacceptance to be laid before each House of Parliament (Article 323).

The Commission has to play an advisory role and its advisory recommendations have greater influence than the mandatory ones. The Union Public Commission is also consulted on matters pertaining to temporary appointments exceeding one year but not exceeding three years, grant of extension of services and re-employment of certain retired servants. About 1,000 such cases come up annually.

People generally complain that the Commission's recruitment is subject to enormous delays, as in some cases, the gap between the date on which a candidate appears before the commission and the date on which he is finally selected, exceeds one year On the other hand, the appointment orders, which are issued by the concerned Ministers' Departments, are also delayed. Membership of the Commission is the Mixture of Civil servants and Public men Such an arrangement can function properly only if Members with a Civil Service background have a commitment to the social values of democracy and secularism. This will help in developing new policies and methods or evaluation in the Commission with a view to democratize the Services

It is suggested that the Government should stop dominance of bureaucrats by reducing their number to the half of the strength of the Union Public Service Commission. Experts from outside having specialization should be appointed as Members of the Commission. This body should be kept away from petty politics.

Modrl Question :

Discribe the organisation and functions of Union Public Service Commission.

LESSON - 11

EMPLOYER - EMPLOYEE RELATIONS

Rights and duties are two sides of the same coin. The citizens of the country enjoys all the rights. The public servants should also be given the rights A right only can make him feel free in his job. A civil servant will early not his duty properly if he realises about his right. Rights will always increase the prestige of civil servants. Constitutional right will create a humanitarian feeling in the mind of public servants.

Article 19 of the constitution confers on all citizens the fundamental rights. Every one of there rights early a responsibility and duty. Because of the rights the employees honesty, impartiality, efficiency and discipline increases. Of course the duty tells their responsibility.

They are legal rights, political rights and social rights. Public employees enjoy there rights in the light of the duty which he has to early out.

An old Sanskrit proverb says strength lies in the organization. For all employees State as well as private organisations, this is true that strength lies in the organization.

Origin of the idea of employees associations can be traced to the private sector. Private industrial worker organized themselves to fight for wages, conditions of service and so on The collective strength is brought on the employees. During the Industrial Revolution trade unions emerged. Slowly their trade union movement entered the field of public employment. Of course the attitude of government over there unionism differed from time to time. In the modern era it is felt that there must be a voice for the public employees, and that is unionism.

Growth of Employees Unions

In United Kingdom, the trade unions were legalised in the year 1871 by an Act. But civil service Associational activities were very much limited. There were only a few staff associations at only in 1919 under Whitley commission applied to the field of civil service, in securing permanent relationship between employees and employee.

Where as in united states both the public and the authorities were not sympathetic towards association By 1912 the legal barriers on forming the associations was considerably increased.

India

Coming to India, the Amalgamated society of Railway servants of India and Burma

formed in 1897. Of course it was more a friendly organization. In 1922 the All India Railwaymen's Federation was formed after that Ports and Telegraph unions were formed. In the year 1926 an act was passed giving legal status to Trade Unions. Therefore number of associations emerged.

After 1947 the new constitution of India has conferred on "all citizens, the fundamental right to freedom of association". At present there are large number of associations.

1. Right of Association,
2 Right of Strike, and
3. Machinery for Negotiation and Settlement of Disputes.

Right of Association

Three Problems are involved here: (i) Can Public servants form their associations? (ii) Can these associations be affiliated to trade union outside? (iii) The practice differs from country to country.

India

The present position in this respect in our country is that the civil servants cannot join or continue to be members of any service associations which has not either been recognized by the Government within six months of its formation, or the recognition to which has been refused or withdrawn. Recognition of such associations is subject to the following conditions.

1. that no person, who is not a Government servant, is connected with the affairs of the Associations.

2. that the executive of the Association is appointed from amongst members only;

3. that the Association shall no espouse or support the cause of individual Government servant; and

4 that it shall not maintain any political fund or propagate the views of any political party or politician. The rules regarding non-railway industrial staffs and railway staffs (constituting 70 per cent of the total staff under the Central Government) are more liberal. For Example, their Associations are, not prohibited from maintaining a political fund.

It is clear from the above description that the right of the civil servants in India to form Associations is hedged in by stringent conditions Thus, membership of unrecognized Associations is a disciplinary offence. The Constitution of India confers on all citizens the right to form Associations or unions Why should public servants be denied this right, then? Why should disciplinary action should be taken against them merely because they are members of unrecognized Associations? Again, the Government recently used this power to withdraw recognition in its discretion. Sometimes the Government may refuse recognition to an association on the ground that an Association of the same class of employees with a large membership already exists. The Jagannath Das (Second Pay) Commission recognized the hardships involved and recommended, "that the membership of an unrecognized Association should not as such be a disciplinary offence... . As regards recognition of Associations, the rules framed by the Government appear to us to be rather stringent. Reasonable conditions for recognition are essential for successful working of service Associations. We, therefore, consider it necessary that the rules of recognition should be conceived (sic), and recognition granted in a Central Government employees are found organized into service Associations, which according to the Second Pay Commission, number 956 (600 unrecognized by the Government and 356 recognized ones). It is quite likely that at least half of the Central Government employees are members of these Associations and the Unions.

Right to Strike

Of late the question of the right of civil servants to engage in or assist a strike against the Government has been under examination in our country. The July 1960 strike as well as the November 1968 (abortive) strike of the Central Government employees has focused public attention on this important problem. This position in this respect varies from one country to other.

India

The Position here is as in the United Kingdom. Law does nor prohibit a Strike by Government servants; it only constitutes a breach of discipline. Thus, Central Civil services (Conduct) Rules, 1955, forbid a Government servant from participating in any demonstration of resorting to any form of strike in connection with any matter pertaining to his conditions of service. The provision applies to non-industrial staffs constituting about thirty per cent of the total staff under the Central Government However, no such restriction is applicable to industrial staffs, except those under the Railways and Railways staffs, both industrial and non-industrial, constituting seventy per cent of the total strength.

Two issue arise here for consideration :

1. Should Government servants be free to participate in a demonstration or to resort to a strike in connection with matters pertaining to their conditions of service?

2. Should a legal been be imposed on such strikes?

Divergent views have been expressed on this issue; and it is but to be expected There have emerged three viewpoints on this matter. The first favours the grant of full Trade Union rights to civil servants including the right to strike. The second recommends a total ban on strikes by public servants. Between the above two opposing views comes the third school, which would prohibit only certain types of strikes

The first view has been supported by eminent writers like W.F. Mosher according to whom "the prohibition of strike by Civil service Regulations cannot be justified either in logic or in political philosophy.. ... To deny to any group of employees the right to strike against intolerable conditions is to reduce them to form of slavery" Secondly, there should be no distinction between the Government employees and the employees of private enterprises. The employees of Government, like other employees, should have the right to demonstrate in order to arouse public conscience about their grievances, and to secure public support for their redress, and they should have the ultimate sanction of a worker to withdraw his labour.

The third group would make a distinction between employees engaged in the public utility and strategic services and those employed in industrial operations under Government; the former, they think, should not have the right to strike, but the latter may have The viewpoint of this school of thought was well expressed by Leonard White "A Strike that would bring direct, immediate, certain and serious danger to a primary interest of the community should be prohibited by law". The considered opinion of the Second pay commission on the right to strike is as follows: "We are definitely of the view that it is wrong that public servants should resort to strike or threaten to do so. The Administrative Reforms Commission (1966-1970), set up by the Central Government, recommended complete prohibition of strikes by Civil servants

Machinery for Negotiations

If civil servants are to be denied the right to demonstrate and strike on the one hand, and are not to be treated as bondsmen on the other hand, there has to be provided some machinery for negotiation and peaceful settlement of disputes between

the Government and the employees. In the present era of "Participative management" and "human relations in administration", the public officials must have some say in matters concerning the conditions of their service. We shall now, describe in brief the position in this respect obtaining in the U.K. and U.S.A. and India.

India

It was the First Pay Commission (Varadachariar Commission), 1946, which was specifically asked to report on the machinery for negotiating and setting questions relating to conditions of service, which may arise out of differences between Government and its employees. In its Report, submitted in 1947.

The Commission came to the conclusion that some machinery should be kept in operation to "secure cooperation, consultation, discussion and negotiation between staff and the Government," and further that it was wrong to think that any thing in the nature of the Whitley system could not be usefully introduced in India. They, accordingly, recommended establishment of joint councils for Government employees, excluding those in Class I, on the lines of whitley Councils.

A powerful plea was made by the Second pay Commission (Jagannath das Commission), too, for the setting up of adequate negotiating machinery.

Staff Committees (Councils)

It was in 1954 that the matter was taken in hand by the Ministry of Home affairs which sent around a circular in July 1954, urging all the Ministries to establish Staff Committees. Model Instructions, approved by the Cabinet, indicating the constitution and nature of the Staff Committees, were also circulated along with the office memorandum.

The Commission has made the following suggestions to improve the working of the Councils.

1. The establishment of Central Joint Council to cover both the industrial and non-Industrial civil service.
2. The setting up of compulsory arbitration tribunals to deal with matters, like pay, hours of work, leave etc.
3. The Ministry of Labour should be closely associated with important matters concerning staff relations.

Joint Consultative Machinery

On October 10, 1960, the Government of India published a scheme to bring the Staff Councils in line with the Whitley Councils. The main features of the scheme are as follows: A three-tier machinery is proposed to be set up consisting of local or Regional Councils. Departmental Councils, and the National Council. The National Council shall consider the matters relating to the working conditions of the employees with special references to schemes for their general welfare. There will be an Arbitration Committee consisting of one representative each of the Government and the employees. The members are to chose from a panel of five names submitted by the two parties. Any dispute, which the National Council is not able to settle, will be referred to the Committee. In September 1963, the Government announced its decision to establish these bodies on a non-statutory basis on the condition that the employees' organizations abjure strike. The Scheme covers all regular civil employees of the Central Government, non-industrial and industrial, except Class I Services, Class II Services other than the Central Secretariat Services.

The scheme for joint Consultative Machinery and Compulsory Arbitration for Central Government employees was inaugurated in October 1966 Its objectives are - (i) to promote harmonious relations between the Government and its employees, (ii) to secure cooperation between the Government and the general body of its employees in matters of common concern, and (iii) to increase the efficiency of the public service.

The National Council

The National Council is the apex level body consisting of the official side and the staff side. The Cabinet Secretary is the Chairman of the National Council. The official side consists of 25 members who are appointed by the Central Government. The staff side has a maximum membership of 60 who are nominated by the recognized staff Associations, the distribution of seats fixed by the Chairman of the Council in consultation with them. The staff side elects form among its members.

The National Council deals with matters generally affecting the government employees, such as minimum remuneration, dearness allowances and pays to certain common categories, for instance, office clerks, peons and the lower grades of workshop staff and matters relating to categories of staff common to two or more departments and not grouped together in a single Departmental Council. The National Council does not deal with matters of interest to employees of a single department.

The Council holds meetings at least once in 4 months. A matter once disposed of by if cannot be taken up for discussion during the following 12 Months.

The Department Council

The Joint Consultative Machinery Scheme provides for Departmental Council for each department, but there can be a single Council also for 2 or smaller departments under a Ministry. The Department of Personnel and Administrative Reforms has a Council to deal with the matters affecting the personnel of the Central Secretariat Services The Departmental Councils are concerned with the problems of employees who are working in a Ministry, Department and the subordinate and attached offices of the Department. The Secretary of the Ministry concerned represents the official side and is the Chairman of the Departmental Council. The official side is nominated by the Government and may not have more than 10 members The staff side has membership ranging between 20 and 30, the exact number depending upon the total strength of the staff and the number of grades and services in the department. The staff associations for a term of 3 years elect the staff side Departmental Council may meet not less than once in 3 or 4 months.

Regional and/or Office Councils

Such councils deals with only regional or local matters relating to condition of work, welfare, improvement or efficiency and standards of work, and are set up only where the structure of a department permit such a course. The Office Council consists of not more than 5 members on the official side and 8 members on the staff side

It should be pointed out that various there are distinct and separate ones with no formally designed links between them. They are in no way hierarchically integrated bodies and thus, do not impinge on the concept of ministerial responsibility, which is a hallmark of the parliamentary system of government.

Evaluation

Administrative Reforms commission recommended to strengthen the Joint consultation and Arbitration Machinery in the personnel administration There will be staff councils both at the central and state level. This machinery will help to solve the problems of civil servants.

Model Question :

Bring out the merits and demerits of Right to Strike

LESSON - 12

THE PLANNING COMMISSION

Genesis

The origins of the Planning Commission lie in the need for planned development to raise the living standards in the country. The first known attempt at planning in India was made in 1934 when M Visveswarayya published his book "Planned Economy' For India which contained a ten-year plan aiming at doubling the national income The National Planning Commission set up by the Indian National Congress with Jawaharlal Nehru as its chairman and K.T Shah as its secretary was a pioneer in this field The outbreak of the Second World War in 1939 and the subsequent arrest of some of its members interrupted the work of the committee, but some of its 29 sub-committees submitted reports relating to their respective fields. In the mean while, the Government of India itself began to show interest in post-war reconstruction and appointed in 1943 a Reconstruction Committee of the Executive Council under the Chairmanship of the Viceroy himself. This committee was given a separate secretariat and was associated with a number of expert committees representing provincial governments, princely states and non-official organisations. In June 1944 a planning and development department was set up and simultaneously the provincial governments were requested to establish their own planning organisations. The same year eight prominent Indian industrialists published what has come to be known as the Bombay Plan. Two other documents which caught the public eye at the time were " The People's Plan" prepared by M.N Roy and "The Gandhian Plan" by Shriman Narayan The interim government appointed in October 1946 an Advisory Planning Board to review the work that had already been done in the field of planning and to make recommendations for the future set up of planning An important recommendation of the board was the establishment of a planning commission to devote continuous attention to the whole field of development so far as the central government was concerned The Government of India accepted this recommendation and the Planning Commission was established by a resolution of the Government of India on 15 March, 1950 It may be noted here that the Planning Commission was set up by a government resolution and continues to exist on that basis. There is no specific constitutional or statutory instrument which supports its operation even though it has assumed unique stature and importance in the administrative and governmental organisation of the country

Functions

The Planning Commission has the responsibility to assess resources, formulate the plan, define its states, appraise progress and make related recommendations on policy and administration. It should be remembered that the commission is an advisory or staff body and is not responsible for the execution of development programmes. The resolution, constituting the commission, referred to the fundamental rights and the directive principles of state policy embodied in the constitution and enunciated the objective of the commission "to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production, and offering opportunities to all for employment in the service of the community." To realise these objectives the commission was expected to:

1 Make an assessment of the material, capital and human resources of the country, including technical personnel, and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nation's requirements.

2. Formulate a plan for the most effective and balanced utilisation of the country's resources.

3. On a determination of priorities, define the stages in which the plan should be carried out and propose the allocation of resources for the due completion of each stage.

4 Indicate the factors which are tending to retard economic development and determine the conditions which, in view of the current social and political situation, should be established for the successful execution for the plan.

5. Determine the nature of the machinery which will be necessary for securing the successful implementation of each state of the plan in all its aspects.

6. Appraise from time to time the progress achieved in the execution of each stage of the plan and recommend the adjustments of policy and measures that such appraisal may show to be necessary.

7 Make such interim or ancillary recommendations as appear to be appropriate either for facilitating the discharge of the duties assigned to it, or on a consideration of the prevailing economic conditions, current policies, measures and development programmes, or on an examination of such specific problems as may be referred to it for advice by central or state governments.

The Administrative Reforms Commission in its report of March 1968, however, observed that from the very outset the commission has "tended" to take on certain assignments not germane to the functions assigned to it." Thus, for many years the commission had been dealing with the community development administration, the rural works programme, and the rural industries programme, and the works relating to the Committee on Plan Projects were for a long time handled by the commission itself. The commission was still handling certain subjects with which it did not need to be concerned, for example, detailed surveys and perspective studies of transport requirements, management studies, studies on construction economies; and promoting socio-economic research studies under the auspices of the Research programmes Committee The Administrative Reforms Commission, therefore, recommended that the Planning Commission should give up all such duties as were not germane to its functions and it should confine itself only to the following functions:

1. The Planning Commission should be responsible only for formulating the objectives, laying down priorities, indicating broad sectoral outlays, fixing the basic targets, and approving the main programmes

2. The Planning Commission should itself not ordinarily undertake much of field research work.

3 The commission should not deal with individual reference on plan programmes and schemes unless they pertain to major deviations from the plan

4. Officers of the commission should not participate in the committees set up for the purpose of implementation of plan policies

However, the Union government decided not to make any change in the statement of functions as laid down in the 1950 Resolution creating the commission.

Composition

The first point to note in this connection is that the composition of the commission has been changing from time to time. The Advisory Planning Board in its report of 1946 had suggested the establishment of a small full time planning commission comprising three to five members In case the membership was to be five, it would consist of

1 A person of standing with general experience of public affairs, who would be the chairman.

2. Two non-officials with knowledge and experience of industry, agriculture or labour.

3. A government official with knowledge and experience of finance and general administration.

4. A person eminent in the field of science and technology.

Alternatively, a three- membered body would comprise of :

1. A person of standing with general experience of public affairs, who would be the chairman

2 A non-official with knowledge and experience of industry.

3 A government official preferably with some experience of finance.

The government decided in favour of having a five-membered commission - all of whom were full-time members. In addition, Prime Minister was named as the chairman of the commission. The number of full-time members, however, has varied since as being between three and seven. The original five full-time members were reduced even to three sometime. The numerical composition of the commission was considered by the Study Team on the Machinery for Planning which in its interim report (March 1967) suggested a whole-time membership of not more than six to ensure effective team work in the commission. The Administrative Reforms Commission in its interim report of April 1967, however, recommended that the number of whole-time members should not exceed seven. But the government decided to keep the number of full-time members, including the deputy chairman at five.

Alongwith the change in the strength of membership, there has been a change in the nature of membership as well. The main issue at stake in this respect has been the presence of minister-members on the commission. At the time of its establishment in 1950, the commission consisted of the Prime minister as the chairman. a deputy chairman and four full-time members. Except the chairman, no member was a minister and all of them worked full-time. Since then the position has, however, undergone a substantial change. By the end of 1966 the commission included among its members the ministers of finance, home affairs, food and agriculture, steel and for some time the ministers of external affairs, defence, irrigation and power, and labour and employment. A review of the appointment of ministers as members of the commission during this period reveals that a practice had been

established by which a member when he became a minister or vice versa continued to be a member till he ceased to be a minister. The Administrative Reforms Commission examined this problem and in its interim report of April 1967 made the following observations.

"Experience so far gained, however, shows that Ministers, busy as they are with their governmental and parliamentary work, are unable to find time to make a significant contribution to the planning process. Their membership of the Commission has only provided a ground for criticism. If Ministers are members of the Commission, the Commission is likely to be committed to Minister's stand with regard to executive matters relating to the implementation of the plans. This will affect its capacity to make a critical appraisal and evaluation of the implementation of the plan by the executive. Further, as the Commission has to formulate plan for the whole of the country, the inclusion of some Central Ministers as members thereof is likely to expose the Commission to the criticism that the States in which they are interested are placed in a favourable position and that the other States suffer neglect. Such a criticism becomes particularly serious if the parties in power in some of the States are different from the party in power at the Centre."

It therefore, recommended that Ministers should be appointed as members of the planning commission The decision of the Government of India on this recommendation was that while the Prime minister and the Finance minister should continue as members of the commission, other central ministers should not be formally associated with it but that the Prime minister will be free to invite any minister to join in the deliberations of the commission if and when necessary. Members of the commission other than ministers have been persons with diverse backgrounds. They have been politicians, administrators, industrialists, scientists and economists

Chairman:

Jawaharlal Nehru was the obvious choice for the chairmanship of the commission in 1950 He had been the chairman of the National Planning Committee set up by the Congress party in 1938 Ever since, the convention has been established that every Prime minister becomes the chairman of the commission The question, however, was discussed at length by the study team on the Machinery for Planning and after closely examining both sides of the issue, the study team recommended that the Prime minister should continue to be the chairman of the planning commission The Administrative Reforms Commission, on the other hand, in its report did not agree with the recommendation of the study team and instead enjoined that no minister including the Prime minister should continue as a member of the commission. This

recommendation has not been accepted by the Government and the Prime minister continues to be the chairman of the commission. The association of the Prime minister with the commission as chairman has certainly given it high prestige and has also greatly helped in coordinating its functions and activities.

Deputy Chairman:

It had become evident at the very inception of the commission that the Prime minister would not find it possible to discharge his function as chairman except in a formal sense; he could not even attend all the meetings of the commission. It was also essential for the Prime minister not to become too closely connected with the commission so as to be able to take a detached attitude towards its recommendations when they reached the cabinet. It was, therefore, decided to create the office of a deputy chairman who would look after the day-to-day functions of the commission. In the words of the study team report, "The Deputy Chairman of the Commission would obviously hold a key position in the functioning of this organisation. He will provide the main working link between the Cabinet at the Centre, the Chief Ministers of different States and the Planning Commission. He will have to understand the political possibility of different measures required for planned development and act as an advisor to the top political leadership in the country. At the same time, he will have to lease a group of eminent members so as to work as a team. It will be his responsibility to ensure some kind of continuity in the overall process of planned development Advising the Prime minister on the choice of suitable personnel for the membership of the Commission and making other key appointments would continue to be his responsibilities " In the absence of the prime minister it is the deputy chairman who has to shoulder much of the chairman's responsibility. It was quite obvious that such a member would have to be chosen after careful deliberation. V.T. Krishnamachari, P.N. Haksar, D.R. Gadgil and D.T. Lakdawala have served as deputy chairmen of the commission from time to time. Now Dr. Ahulwalia is the Deputy Chairman of the Planning Commission.

Members:

The members of the commission are appointed by the Prime minister Without reference to the cabinet, he however does consult the deputy chairman. It has been a convention for the Prime minister to inform the President about the appointments. Every appointment is published in the government gazette. No qualifications have been laid down or prescribed for the membership, but the Administratove Reforms Commision Study Team on the Machinery of Planning had suggested certain

qualifications and qualities for members to posses. "The members should be chosen for their expertise, wisdom and knowledge of handling men and affairs. What we need is not narrow specialisation, but wider knowledge and experience in major areas of development such as agriculture and rural economy, industry and commerce, science and technology, economics and other social science, and public administration". In 1950 the terms of appointment were settled separately for each member, but in course of time the members of the commission have been given the status, emoluments, allowances, and other benefits of a minister of state while the deputy chairman from the very beginning has always had the status of a cabinet minister In the beginning the members were appointed without being given any specific tenure of office. They continued in office so long as they were willing to serve the commission. There have been instances of members containing in office for as long as eight of ten years. But recently appointments have been made for a term of five years

All the members of the commission work as a body but for convenience they also hold charge of certain specified subjects. As observed by H.K. Paranjape, " The main responsibility for carrying out the work of the Commission devolves on the full-time Members, and it is they who meet frequently, formally and informally, for disposing of business". When the full membership of the Commission stood at seven including the chairman and one part-time minister-member. The work of the Commission was therefore divided among five full-time members, of these, the deputy chairman was responsible for coordinates, plus evaluation, administration and servicing, and subjects under the economic group. The other full-time members were in charge of each of the following groups: (i) Industry, Labour, Transport and Power Group: (ii) Agriculture and Rural Development Group; (iii) Perspective Planning Groups; and (iv) Education, Scientific Research and Social Service Group

The distribution of work among the members underwent change subsequently. The Deputy chairman of the commission looked after plan coordination, general administration, economic policy, financial resources and international trade and development. Programme administration, education, social planning, health and family welfare, housing, urban development, water supply, information and public cooperation were also included in his portfolio As regards the three full-time members, one was in charge of information system, statistics and surveys, perspective planning division, computer centre and data bank, employment and labour, manpower planning and technology clearance unit The second member dealt with monitoring, project appraisal, industries and minerals, small-scale industries, power and energy, transport

and communication research and development. The portfolio of the third member included agriculture, irrigation and rural development, village industries, plan implementation, multi-level planning and hill and tribal areas development.

Organisation

The internal structure of the commission has been changing from time to time. To begin with, the main work of the commission was organised through six divisions as follows (i) resources and economic survey; (ii)) finance, (iii) industry, trade and commerce, (iv) food and agriculture; (v) development of natural resources; and (vi) employment and social services. However, there took place a rapid proliferation of the structure the organisation of the commission has been reviewed a number of times with a view to streamlining its machinery for the effective discharge of its functions

The study Team on the Machinery for Planning, therefore, recommended the reorganisation of the commission's work with a view to focussing its activities around its two main functions of (i) Plan formulation and revision; and (ii) Plan appraisal and evaluation It also suggested that closely interrelated functions should be brought together under the group placed under a single head These groups were to be organised into three main wings - one for plan formulation, the second for plan evaluation and the third for establishment or servicing and house-keeping activities. The Administrative Reforms Commission endorsed the recommendations of the study team relating to internal organisation This led to the reorganisation of the work of the commission in September 1967 into eight groups: plan coordination, plan evaluation, internal administration and servicing, industry, labour transport and power, agricultural, rural development, irrigation and administration, perspective planning, and education, scientific research and social services. Of these the first four were put under the charge of the deputy chairman and each of the remaining four groups was placed under the charge of a member.

Thus the Planning Commission was divided into number of divisions approximately 30 in number, cells and units. At the head of each division stood an officer variously known as adviser, chief, additional secretary or joint secretary

Secretariat

The Secretariat of the Commission includes three wings (1) General Divisions, (2) Subject Divisions (3) Housekeeping Divisions.

There are at present twelve General Divisions, which concern themselves with the studies relating to the plan as a whole. The branches are: (a) Perspective Planning. (b) Statistics and Surveys, (c) Economic Research, (d) Socio-economic Research, (e) Plan coordination, (f) Programme Administration, (g) Multi-level Planning (h) Project Appraisal, (i) Employment and Manpower Planning (j) Monitoring and Information, (k) Scientific Research, and (l) Plan information and Publicity.

There is also a Programme Evaluation Organization, which scientifically evaluates the results achieved in terms of the objectives and targets of various sector plans, state plans, programmes and projects, which together comprise the National Development Plan.

Then there are fourteen subject divisions: (a) Agriculture (b) Land Reforms, (c) Irrigation, (d) Power (e) Transport (f) Communication (g) Education (h) Employment and Manpower, (i) Health and Family Welfare, (j) Housing and Urban Development, (k) Industry and Minerals, (l) Village and small Scale industries, (m) Social Planning, and (n) Social Welfare. These divisions maintain intimate relations with their counterparts in the central ministries and state government departments. They collect, process and analyse relevant information and data as well as sponsor research for use by Commission in the formulation of sector plans and programmes.

The Housekeeping Division deals with records, accounting, and routine administration.

The subject divisions carry out most of the planning exercises Each division utilizes working or expert groups on which the concerned ministry is represented. Let us take the example of health to understand the dynamics of plan formulation in a subject division. At the Central level, a health planning section was created in the Employment and Social Services Division of the Planning Commission in October 1951. In April 1956, it was made a separate and independent division. As a 'subject' division it helps the Planning Commission in the formulation of the health programmes and projects to be incorporated in the five year and annual plans. It assists in evaluating performance. It carries out studies of special interest to health planning, e.g , manpower requirements of health programmes. The division works in close cooperation with the Ministry of Health and Family Welfare so that may be an intimate coordination between planners and those who carry out policies. Each division utilizes working or expert groups for the preparation of the plan in their respective fields The directions given to working groups are of a general nature in the beginning but become much more specific as the preparation of a Five Year Plan proceeds to

completion The planning unit in the Ministry of Health and Family Welfare has the following functions

1 compilation of national five year health plans and supporting material.

2 development of strategy for getting plans accepted and financed;

3. preparation of the central annual health plan and discussions with the Planning Commission and the Ministry of Finance.

4 discussion and coordination with states on matters relating to planning development and the financing and implementation of plans; and

5 submission of progress reports on planning schemes of the Planning Commission.

Thus, the health plans prepared by the division in collaborations with the Ministry of Health and Family Welfare is reviewed by the members of the Planning Commission and is integrated with the total plan Most of the health work is carried out at the state level Health services are primarily the responsibility of the states.

The programme advisers are responsible for coordination and cooperation between the Union Ministries, the Planning Board's at the State level, the Planning Bureaus of the State Departments, especially as regards the allocation of resources and the determination of priorities during the Five Year Plans The various groups concerned have strong preferences and influences. The programme advisors have to reconcile these conflicting interests without much friction.

Nation Development Council (NDC)

The Planning Commission submits the plan to the National Development Council. This Council comprises the Prime Minister as the Chairman and the Chief Ministers of State Governments as members while the members of Planning Commission are its ex-officio members Several ministers of the Central Government are also invited by the chairman to attend the meetings as non-members, in order to put towards their viewpoint on matters within their respective ministerial jurisdiction. The Council may set up a committee for various subjects or fields of planning The main functions of the council may be summarized as;

1. To formulate and prescribe guidelines for the preparation of the National Plan as well as to suggest ways and means the mobilization of resources for the plan

2. To discuss and scrutinize the Draft National Plan as prepared by the Planning Commission.

3. To Examine policy question arising with regard to the plan.

4. To review relevant question relating to the implementation of the plan.

The decisions of the National Development Council along with the Draft National Plan are sent to the cabinets and legislatures of all the State Governments in the country for discussion. These high powered organs of the Government have thus the final voice with regard to the nature and scope of plan as well as for the strategy and resources for its implementation.

State Planning Boards

State Planning Boards have been set up in many parts of India. These boards are to prepare the draft state plans by bringing about consultations among the experts, ministers and other decision makers as well as by seeking the views and demands of the district administration and other organizations. Except in a few states, the State Planning Boards have, however, yet to establish their role in a meaningful manner. They lack adequate expertise and creativity. Their position as the 'tanks' of the Government of social and economic problems has yet to be demonstrated and proved mission. There is, however, an organisation known as the programme Evaluation Organisation which functions as an independent unit of the commission. This agency was established in October 1952 along with the introduction of the Community Development Programme, under an agreement between the Government of India and the Ford Foundation. Since the termination of the grant from the Ford Foundation in 1966 the entire cost of the organisation is met by the Union government. Though independent of the commission, it works under its general guidance and direction The organisation at the headquarters is headed by a director who is assisted by two deputy directors, a number of research officers and other staff. It also has an elaborate field organisation. There are five regional evaluation offices and 39 field units known as project evaluation offices under the administrative control of the organisation.

The organisation was set up with a view to evaluating the community development programme and other intensive area development schemes. During the Second Five Year Plan the scope of evaluation by the programme evaluation organisation was extended to the entire field of rural development. Its functions, as they evolved over the years, are:

1. To study the progress of a programme and to measure its impact on the socio-economic life of the rural people

2. To ascertain the reasons for the success of failure in respect of different items of the programme

3. To indicate the direction in which improvements may be sought.

In this connection it will be pertinent to remember that the organisation has not been expected to undertakes studies with a view to providing an independent and detached assessment of a programme by a body not concerned with its implementation. The result of these studies are presented in reports which are considered by the commission and the concerned ministries for follow-up action.

Below the State level, the District Planning has been instituted through democratic decentralized planning to plan for the district.

The Planning Commission has been criticized as a 'Super Cabinet", 'the fifth wheel of the coach', and a 'parallel Cabinet', wielding unlimited powers. The Administrative Reforms Commission has observed "The Constitution is the ultimate authority that determines the functions of the various organs of Government Much of our misunderstanding and confusing arises when we do not adhere to the guidelines laid down in the Constitution. Under the Constitution, the Ministers, whether in the Center or in the States, are, in effect, the ultimate executive authorities. Further, the principle of Ministers being responsible to the legislature is basic to the system of parliamentary government The executive authority of Ministers is, therefore, made complete and indivisible, so that they may be help responsible for what they do or fail to do To do anything which would erode this responsibility is to go against the spirit of the Constitution It will dilute the responsibility of Ministers to the legislature and, ultimately, to the people We are, therefore, of the firm view that no authority, either advisory or expert, should be allowed to earn the distinction of being parallel or superior to the Ministries in the executive field. Unfortunately, over the past years, the planning Commission has, in some measures, earned the reputation or being a parallel Cabinet and, sometimes, a super Cabinet, " Asok Chanda has expressed similar views. In his words, "The undefined position of the Commission and its wide terms of reference have gradually let to its growth as the economic Cabinet not merely for the Union but also for the States- the Commission has seized upon this position and extended the scope of its activities to embrace the functions and responsibilities which must both traditionally and otherwise belong to the constituted Government.

The Commission possesses enormous powers without having any responsibility for the failure of plan implementation Some Ministries treat the Planning Commission as a necessary evil. It is an unavoidable stumbling block Others use it as a convenient scapegoat for their own failure; still others refer matters to the Commission in order to delay them. The Commission is also subjected to criticism on the matter of allocation of funds The commission is followed be defective procedure of allocation funds to the States, as the States with greater political influence get more financial assistance in respect of matching grants. This shows the biased role of the Planning Commission. Generally, the States having Opposition Governments are the losers.

The Planning Commission has becomes a directive authority instead of a Staff Agency, as its recommendations are taken for granted both by the Central and State Governments With abolition of groups and panels by Prof. Gadgil the then Deputy chairman of the Commission. It has acquired the character of the Government Department in the absence of non-official opinion. Since its inception, the formulation of the Planning Commission has depended on the Prime Minister and there have been no specific criteria for ad hoc formation of the Commission with regard to the number of Members, their qualifications and tenure. It is more like administrative machinery than a goal setter and path maker

Unfortunately, the States have no power either in the formation of the Commission or the formation of Plans The Plans formulated by the Planning Commission are approved by the National Development Council comprising the Chief Ministers of the States This body meets once or twice a year to discuss the Plans without possessing any legal authority It is not obligatory for the Planning Commission to accept the Plans submitted by the States., Some of the States ruled by the Opposition parties adopt a dog in the manger policy, as they do not execute the Plan as desired by the Commission. They consider that the guidelines and directions issued by the Commission are an infringement of their autonomous powers. K.Santhanam has rightly observed "planning has superseded the federation and our country is functioning like a unitary system in many respects

The Planning Commission has been made an agency of economic coordination, as it interrelates planning and economic welfare, though the policy-making in the economic affairs is the primary responsibility of the Finance Ministry. Such a measure of overtapping of functions needs to the straightened out.

The staff strength of the Commission has been increasing without any

proportionate increase in the volume of work. Hence, the Commission too has become a victim of Parkison's law.

It has been noted that" attempts have been made over the years to reduce the Planning Commission to the position of a Central Government Department which will not only be subservient to central political authority but also its instrument for centralization of power and disciplining the State Governments".

In the light of the above criticism, we may conclude that Planning Commission is merely an advisory body and its is for the Government to accept or reject the recommendations made by it.

Model Question :

Explain the composition and functions of Planning Commission.

LESSON - 13

PUBLIC ENTERPRISES

The Public Enterprises have been developed out of necessity of situation. It has been developed not because of any opinion or principle. According to Hanson "Public enterprise without a plan can achieve something, a plan without public enterprise is likely to remain on paper".

Meaning

Public Enterprise is one owned by every one in the society. He may be a share holder or not. With regard to the meaning of term "Public Enterprise" it still not so exact. It is vague and changing. Every country draws a line between governmental organizations and public enterprises generally the demarcation is logical.

In the term public enterprises public has varying connotations. The three essential factors here are

a) Public purpose

b) Public ownership

c) Public control

The very core and purpose of Public enterprises is public purpose. Public Enterprises wishes to achieve socio-economic objectives in a wide range. Public Enterprises have been described as "instruments of national policy". Public ownership in Public Enterprises central, state and local governments and also it includes autonomous public institutions. Generally, to have the managerial control, ownership should be more than 50% it has the Public Enterprise character. In India the government has a substantial and even majority holding in private sector companies. As there is no public management and public control, these enterprises cannot be called Public Enterprises Another essential characteristic of publicness of Public Enterprise is Public Control. This control is different from executive, legislative and regulatory control. This public control refers to the exercise of top management functions of Public Enterprises.

The Government controls and regulates the Public Enterprises on decision on investment policy, pricing, wage policies, corporate plan, the top management appointment and so on. These three factors public ownership, public control and public management lead to public accountability.

"Enterprise" aspect of Public Enterprises have more a business character. Enterprises has been seen in the areas of economic activity In a larger sense public enterprise is owned by every member of the population, whether a share holder or not

Growth of Public Enterprisè:

Public enterprise is a modern concept. But the state ownership of means of production is a old concept. The role of the state has changed. There is the widening of the sphere of state functions and activities.

During the 19th century the "Laissez faire" policy was at the top level in the whole world. It means the non-interference of the government in the economic affairs of the country. This was the opinion of all. They felt that any sort of control over private sector would affect the common good of the society. So production and distribution were left in the hands of private sector.

After the dawn of Industrial Revolution changes emerged in the economic period of 'Capitalists'. This is a new social class The private capitalists spoiled the life and welfare of man The worker were neglected and they became only equipments for making money Because of this the trade union movement emerged. Thus there was chaos, conflict and confusion. Naturally the government has to interfere in the social and economic life of the people. Even before the birth of 20th century the state invention became a need and necessity. In the beginning stages State was considered as a temporary measure State never thought of taking the responsibility.

The first world war created a further increase in the economic sphere intervention by the State government The countries involved in the war wished and felt essential for the State to intervene. Earlier Public enterprises were directly run by the government like any other government department Later new forms of organizations and also management for public enterprises. According to A.D. Gorwala "Laissez faire practice has become completely impracticable even when it is publicly stated that government believes in non-intervention is actual practice, it is found that these declaration has not followed. The affairs of the government, industry and trade have somehow got mixed up that the question of complete separation can no longer arise".

Ever since independence, the public sector has emerged as a major factor in the country's economic growth. The public sector has come to occupy the "commanding height" in the Indian economy is obvious. On 31 March 2004, there were 230 central government public undertakings. Of these, 121 were enterprises producing and selling goods and enterprises rendering services and eight were under construction.

The growth of State Enterprises is due to a variety of motives, pressures and purposes, which differ from country to country. The factors, which in one or the other way determine the extent of state enterprises, include the practical needs of a nation, defence considerations, political ideology, social philosophy and the state of economic development. The factors affecting the increasing state participation in business, with special reference to developing countries like India, have been discussed briefly below.

1. Instrument for Success of Planning

It is usually said the success of a planned economy is based on the growth of public enterprises Modern economy has inevitably to be planned economy and the responsibility of planning is to be discharged by the government which necessarily leads to the participation of the state in the actual management of the enterprises in addition to the regulation of commerce and industry managed by private entrepreneurs. In this connection, Hanson has rightly state that "Public enterprise without a plan can achieve something a plan without public enterprise is likely to remain on paper". This is so because the answers to various problems, which arise, cannot normally be found unless the Government and Government undertaking have direct experience of managing such enterprises. They can also share greater responsibility of achieving the objectives laid down in the plans.

2. Provision of Infrastructure

To transform the 'colonial' economy into a 'nation' economy and form a background to developed one, the basic requisite is to provide Infrastructure facilities. Railways, road, telecommunications, powers, shipping, airlines, postal, banking and insurance facilities have to be developed for the rapid advancement of the country. The general experience of various countries is that the private entrepreneurs cannot provide these facilities efficiently and economically. Thus, the Government has been force to take up active interest in provision of these basic facilities, which may ultimately encourage the rapid growth of agriculture, and industries in the country.

3. Balanced Regional Growth

Private entrepreneurs are guided mainly by profit motive. They establish industries in those areas where they expect a high rate of profit and security of their investment. They are also not in a position to exploit the natural resources effectively. These things have force the Government to intervene in the economic activities through a planned dispersal of industries which will ensure balanced regional growth of the country. It is only through the state the development of relatively backward areas can be effected.

4. Development of Key and Basic Industries

It has been the experience of various developing economics, including India, that private entrepreneurs have mainly engaged themselves in commercial and less risky and basic industries, mainly because they do not have sufficient capital and other resources for it and also that they do not want to take risks involved in it. With the result Governments of the economics have been forced to come forward to develop such key and basic industries to achieve self-reliance and faster development of economy

5. Establishment of a Social and Welfare-oriented Society

The functions of the Government which were originally limited to be maintenance of law and order, defence of the country, etc., have considerably been expanded in recent years A Government, which wedded to establishment of a socialist and welfare-oriented society, is increasingly compelled to enter directly into industrial and commercial activities to achieve this objective. It is the duty of the state to protect the society from the exploitation of industrialists or private capitalists by establishing Public Enterprises and thereby providing sufficient opportunities to all concerned to develop themselves.

5. Preventing Concentration of Economic Power

It has become the major duty of the state to remove the inequalities of income and wealth prevailing in the society as much as possible. The fiscal measures, such as excess profit tax, high rate of direct taxation for the higher income levels, wealth tax, expenditure tax, could not tackle this problem effectively and it was felt desirable that the economic systems should be so changed which may not be conducive to the accumulation of wealth and economic power in a fewer hands. By establishing Public Enterprises this objective can also be achieved satisfactorily. It has been pointed out that "Private Enterprise leads to vast inequalities in the distribution of wealth which are not desirable on social grounds and also on economic grounds to the extent they are the result of unearned income". It artificially creates the paradox of 'poverty in the midst of plenty'. Producers, on the one hand, complain of gluts and surpluses while consumers, on the other hand, are underfed, under-clothed and under-sheltered.

7. Provision of Capital and Technical know-how

Private investors of developing economies are not in a position to set up in industrial plants unless the Government provides them with desired amount of capital and technical know-how. It is for the Government to help them in foreign

collaborations. Governments of such countries, therefore, thought it proper to promote industrial enterprises themselves in the larger interest of the economy.

8. Meeting Defence Requirements

Industries connected with the production of arms and ammunition or supply of services essential to the defence of the country have always been considered fit to be set up in the public sector. Obviously, private production cannot possibly be depended upon from the national security and safety. Besides, there is a need for utmost secrecy which could be secured only when the industry is under state ownership and control.

9. Effective Implementation of Government Policies

The Government policy has an important bearing on the nature of the product to be manufactured, the Management of the undertaking, pricing of products, scale of operations and personnel, etc. The private enterprises are mainly concerned with their own self-interest and may not pay due attention the Government policies effectively Therefore, they are careful in proper interpretation and effective implementation of Government policies

10. Model Employer

State participation in commerce and industry is an important instrument of attaining the objective of serving as model employer. By establishing Public Enterprises the state is in a position to set up ideal in the areas of no-retrenchment of surplus staff, housing provision, management and technical training, fixation of reasonable level of wages for workmen and introduction of worker's participation in management. There is ample scope for leadership on the part of the state to act as a model employer.

11. Contribution to National Exchequer

The surpluses generated by the Public Enterprises could be profitably utilized for social benefits They may also contribute towards further investment and growth of the economy.

Public Enterprises in India:

Public enterprises have a special importance in India, because both public and private sectors have growth equally together.

Public Enterprise before independence:

In India Public Enterprises have very slow beginning, India before British origin was one of most prosperous and industrially advanced All was by the kings and emperors support But there was no state participation. Before 19th government made a humble beginning. For example, the postal system in India 1766, as it was introduced by Lord Clive. The first telegraph line between Calcutta and Diamond Harbour was started in 1851. In the Nainital industrial conference held in 1907 a change came and there was stress for the state to take active part in the industrial growth Later number of industrial Commissions were stressed the need for state participation in economic growth, examples Industrial Commission of 1916 and Fiscal Commission of 1921. In the year 1945, a new industrial policy was announced by the British government. This was actually nearer to the time of independence. We can realise that the state participation of today is based on the British resolutions. After independence it has got momentous.

After independence, the State participation was the taking over of Railways. Prior to that Railways were in private sector In 1834, Britishers set up an ordinance factory In India now all the ordinance factories were state enterprises. In 1845 construction of three short lines started by the government. In 1857 construction of railways was taken up on a large scale. Railways were fully nationalised after 1947.

After independence:

After independence the evolution of public enterprises traced through the industrial policy by the government and the resolution passed by All India Congress Government Under the new undertakings six industries were established example coal from and steal, aircraft and so on. In the year 1956, the industrial Policy resolution, enlarge and expanded the role of public sector. As the government aim was Socialistic Pattern of society the role of Public sector and utility of public sector industries increased. The essential industries required investment of heavy amount, which the state only can invest. The state has to take direct responsibility for the future development of industries.

During the beginning of planned growth, the public sector grew by establishing new industries and also by nationalisation. In the year December 1952 in the first Five Year Plan the stress was on the economic expansion and social responsibilities of the states. And also the approach was to fill up the gap between Private and Public. So also the second five year plan in 1956 stress the growth of both public and private sector.

The difference between public and private sector was settled in 1961, under third Five Year Plan. In 1969, the fourth five year plan began It has reiterated public sector was to grow relatively and absolutely, which was said in 3rd plan. It said that the emphasis should be on private sector, with public purpose should be continued.

In 1977 the industrial policy was announced by the their Janatha government. It simply said that PE is a means of socialising the means of production of important areas and for providing a countervailing force to the growth of large houses and large-scale enterprises in the private sector. In several fields there was greater role for Public Enterprises. This 1980 Industrial Policy was congress government policy. This simply endorsed the 1956 resolution. It said that 1956 resolution reflects the value system of India and has shown conclusively the merit of constructive flexibility. In 1984 liberalisation emerged because of Rajiv Gandhi government. It was through large-scale delicensing broad banding of industries and also higher endorsement of capacity fields like telecommunication, will exploration oil refining and civil-aviation were reserved totally for Public Enterprises have also been thrown open to the private sector. Again Mr. Gandhi also stressed the importance of socialistic pattern. In this key role assigned to Public Sector. Mr. Rajiv Gandhi emphasised that "the public sector had by no means been ignored. In fact in the seventh plan it had been the largest allocation so far". The New Economic Policy of 1991 was initiated the disinvestment of Public Enterprises to the public

In 1951 the central governments investment in industrial enterprises increased from Rs.29 crores in 5 units in the first plan. It has increased to Rs 84,437 crores in 233 units The turn over of the central public sector undertaking increased from Rs 28,635 crores in 1980-81 to Rs.1,06,078 crores in 1989-90, and in 2003-2004, the investment Rs 3,24,624 crores in all the units.

Organization of Public Undertakings

There are three types of Organization namely, Departmental undertakings, Government Companies registered as joint-stock companies, and statutory Public Corporation are used to govern the public sector undertakings. Mention has also been made of a fourth type that of control board in the case of multipurpose River valley projects. In addition, in recent years, increasing use has been made of the "operating contract", under which government contracts with private concerns for the operation and management of a state enterprises Such contracts are utilized extensively in the United States of America by the atomic energy commission and the defence department. We shall now first describe the main features of each of these three forms of organization and then give a comparative estimate of their respective strong and weak points.

Departmental Undertakings

To begin with, no distinction was made between public enterprises and traditional governmental function. In the pre-independence period, government participation in manufacturing and other organized business was very limited and whatever business units were owned and controlled by the government was mainly organized as parts of government departments. Railways, posts and telegraphs, defence production units, various workshops, All India Radio, and industrial units under state government were all organized as departmental units. Only one major manufacturing unit, viz., the Hindustan Aircraft Limited was organized as a company taken over by the government for meeting war exigencies. This process has continued even after independence. New projects like the telephone factory and the fertilizer factory were organized as departmental units in their early stage of developmental units development and other way newly started units like the Chittranjan Locomotive Works, Diesel Locomotive Works and Integrated Coach Factory were made commonly employed when the main purpose of the enterprise is to provide revenue. The principal characteristics of this form of organization may be summarized as follows.

1. It is financed by annual appropriations from the treasury and all, or a major part of its revenues, are paid into the treasury.

2. It is subject to the budget, accounting and audit controls applicable to government activities.

3. Its permanent staff consists of civil servants, and their conditions of recruitment and service are ordinarily similar to those of other government servant.

4. The enterprise is generally organized as a major sub-division of one of the central departments of government and.is subject to the direct control of the head of the department.

5. The enterprise possesses in law the sovereign immunity of the state and can be used only by following the procedure prescribed for filling suits against the government.

Government Company

The Joint-stock company form has been used extensively in recent years in respect of manufacturing concerns in the public sector. Both the central and the state governments seems to favour it. It is incorporated under the Companies Act of 1956.

This Act recognizes two forms of companies - private limited and public limited. The formation of a private limited company needs only two shareholders at the minimum, while to form a public limited company at least seven shareholders are required Secondly, while there is no restriction on the maximum of shareholders in the case of public limited companies, the number of shareholders cannot be more than fifty. Thirdly, while in the case of a private limited company there is restriction on the right of a shareholder to transfer his shares, public limited companies suffer from no such restriction. No wonder, if public enterprises in India have preferred the private limited form. This form is also known as mixed ownership companies. It includes various forms of joint enterprises shared between the government and private interest, national and foreign. They may represent the shares of individual firms participating in the venture or the subscriptions of the members of the public at large. The government, however, holds the majority of shares. We have made extensive use of this form of organization for manufacturing industries, e.g., Sindri Fertilizers and Chemical (Private) Ltd., Heavy Electrical (Private) Ltd., Hindustan Machine Tools (Private) Ltd., Bharat Electronics (Private) Ltd., Hindustan Cable (Private) Ltd., Hindustan Housing Factory (Private) Ltd., etc.

The essential characteristics of the government company form of organization are as follows:

1. It has most of the features of a private limited company.

2. The government owns the whole of the capital stock, or 51 per cent or above.

3. The government, appoints all the directors, or a majority of them, depending upon the extent to which private capital is participating in the enterprise.

4. It is a body corporate created under a general law, the Companies Act.

5. It can sue and be sued, enter into contract and acquire property in its own name.

6. It is created by an executive decision of the government without Parliament's specific approval having been obtained and its Articles of Associations, though conforming to Act, are drawn up and are revisable by government.

7. Its funds are obtained from government and, in some cases, from private share-holders and through revenues derived from the sale of its good and services.

8. It is generally exempt from the personnel, budget, accounting and aud laws and procedures applicable to government department.

9. Its employees, excluding the deputationship, are not civil servants.

Public Corporations

A new form or organizing public enterprises has been evolved in the shape of a public corporation, which has been described by W.A. Robson as "the most important constitutional innovation" of this century. A public corporation may be defined as a legal entity created by the government, but exterior to the governmental organization, hence financially independent for the purpose of carrying on the specified activities in the public corporation differently, laying emphasis on their different characteristics. Herbert Morrison defines a public corporation as "a combination of public ownership, public accountability and business management for public ends". According to M.E. Dimock, a public corporation is a "publicly owned enterprise that has been chartered under federal, state. In the words of M.C.Shukla, it is "a corporate body created by the Legislature with defined powers and functions, and financially independent having a clear-cut jurisdiction over a specified area or over a particular type of commercial activity" It has been described as an adaptation of the joint stock company system for public purposes A public corporation resembles a company in that both are juridical persons in law and both are created to manage a business enterprise. But the corporation differs from a company in certain respects. Firstly, while a company is a body of private persons incorporated under the Companies Act, a Public Corporation is a body of official members incorporated under a special law made by the Legislature. Secondly while companies are organized for private, a corporation is organized for public benefit

The principal features of public.corporation may be listed as below:

1 It is owned by the state.

2. A special law defining its objects, powers, duties and privileges, and prescribing the form of management and its relationship with government departments create it.

3. As a body corporate, it is a separate entity for legal purposes and can sue and be sued, enter into contracts and acquire property in its own name.

4 Except for appropriations to private capital or to cover losses, it is usually independently financed; it obtains funds by borrowing either from the government or, in some cases, from the public and through revenues

derived from the sale of goods and services, and has the authority to use and re-use its revenue.

5. It is ordinarily not subject to the budget, accounting and audit laws and procedures applicable to government departments.

6. It is generally, exempted from most regulatory and prohibitory statutes applicable to expenditure of public funds.

7. Excluding the officers taken from government departments on deputation, the employees of public corporations are not civil servants, and are not governed by government regulations in respect of conditions of service.

Bureau of Public Enterprises

Control of government level over public undertakings was originally decentralized among various ministries/departments according to their functional areas. An attempt at centralization of such control was first made in 1952 with the setting up of a separate ministry of production. A large number of manufacturing enterprises were brought under it. However, this proved to be a short-lived experiment. The next step was the creation of a Project Coordination Cell in the Ministry of Finance which was the first elevated to the status of a division and then in September 1963 to the high rank of a department, known as the Department of Coordination. The function of this department was abolished in June 1967 and its function was transferred to the Department of Expenditure. Meanwhile, a Bureau of Public Enterprises has been set up in the Department of Coordination during 1964-65 to act as a service, coordination and evaluation agency on important aspects of the management of public enterprises. The Bureau was transferred in 1966 to the cabinet secretariat, but the arrangement being found less advantageous, it was retransferred to the Ministry of Finance (Department of Coordination). With the abolition of this department in 1967, the bureau was transferred to the Department of Expenditure.

Organization

Form a small coordinating unit in the finance ministry, the bureau has expanded into "consultancy" agency with five technical divisions, each under a director, and a director-general at the top. The bureau is thus organized on functional lines and has a production division, and construction division, a finance division, a genera management division and an information and research division. These divisions hav been formulating guidelines in their respective spheres and forwarding them to variou public undertaking. The Administrative Reforms Commission in its report on pub

sector undertakings recommended that the bureau should be invested with authority appropriate to its responsibilities, and its should be headed by a person of the status of a secretary who should hold a full-time charge or it. Such person should be acquainted with the working to public undertakings and should be competent to deal with problems of an economic and statistical nature. This recommendation has been implemented.

When the bureau was originally set up in April 1965, it was assigned five specific functions to provide a central point of reference and consultation and to deal with matters of general interest, to explore avenues of economy in capital costs of projects; to devise steps for improving productivity and profitability; to undertake appraisal and evaluation of selected areas in the performance of public enterprises; and to prepare an annual report on the working of industrial and commercial undertakings of the central government for presentation to Parliament. The Administrative Reforms Commissioin in its report had recommended abolition of other agencies in different ministries dealing with public undertakings (the Project Coordination Division of the Ministry of industrial Development and Company Affairs and the Management Division (Committee on Plan Projects) of the Planning Commission and the works of the Home Ministry relating to the industrial Management Pool) and the transfer of their function to the bureau. The Commission wanted to strengthen the bureau with the addition of more functions. These recommendations have been largely implemented. Thus, the functions of the bureau now include assisting ministries in making an expert scrutiny of feasibility studies and project reports; helping ministries in controlling expenditure on residential and administrative buildings; acting as a data bank and a clearing house of information in respect of important matters of common interest, and acting as a talent-spotting agency and maintaining panels and suitable personnel for appointments to top posts and middle level posts in public enterprise.

However, while the government has given it wide powers to oversee the working of the public sector, it has kept the railways, the posts and telegraphs, the ordnance factories, the state transport undertakings and the water and power utilities out of its purview It is because for this limitation that the bureau has been described as pure blind watchdog. It has also been criticized on other grounds. Thus, K.S. Ramaswami has described it as a "Leviathan Public sector undertakings do no much care for". In his words, "The Bureau of Public Enterprises have grown in the size in the part years but not in strength to make an impact on the 230 odd public undertakings..... They write more reports and send out lengthy instructions and guidance to public undertakings, but the latter ignore them, A few...... dutifully file them. Beyond that, the Bureau's writ does not run in the public sector. Most undertakings question the

competence of the Bureau to pass judgment on their performance or to advice them on how to improve efficiency. Productivity and profitability..... The public undertakings also view the Bureau as the fifth wheel of the coach; in their view the Bureau has achieved nothing so far and if it goes no tears need be shed."

Disinvestment of Public Enterprises

The main objectives of the Public Enterprises are the development of heavy and basic Industries and the provision of infrastructure as well to provide employment and the economical distribution of services to the people. Of course, Public Sector Enterprises were rendered these functions. However, after the initial concentration of Public Enterprises Investment in key infrastrutural areas. Public Enterprises began to spread into all areas of the economy including non-infrastructural areas and non-core areas. The net result of the performance of Public Enterprises is low and yielded negative returns to Public Enterprises. The New Industrial Policy was announced to improve the performance of the Public Enterprises in the following areas.

1. Portfolio of Public Sector investments will be reviewed with a view to focus the public sector on strategic hi-tech and essential infrastructure.
2. Public Enterprises which are chronically sick and efforts will be made to revive them.
3. In order to raise resources and encourage wider public participation, a part of government's share-holding in the public sector would be offered mutual funds, financial institutions, general public and the workers.
4. Boards of Public Sector companies would be made more professionally and given greater powers.
5. Greater autonomy will be given to the Public Enterprises.

The Government took measures to revive the sick units of Public Enterprises. There were 66 Public Enterprises were referred to Board of Industrial Finance Rehabilation (BIFR) which sanctioned revival package to 13 Public Enterprises upto 2001. The policy of Government of India towards Public Sector Enterprises has changed as,

1. Bring down Government equity in all non-strategic Public Sector Enterprises to 26 percent or lower, if necessary.

2. Restructure and revive potentially available Public Enterprises.

3. Close down Public Sector Enterprises which cannot be revived.

4. Fully protect the interest of workers.

The clause of Memorandum of understanding policy with the public sector is attracted and 104 Public Sector had signed in the year 2001-02. According to the Public Enterprises survey (2001-2002) on the basis of the self evaluation by 104 Public Enterprises 42 were rated excellent, 24 very good, 15 good, 12 fair and as 3 were rated poor. So the purpose of Memorandum of understanding is greater and autonomy and the concept of management by objectives rather than management by control stands.

The Committee on the Disinvestment of States in Public Enterprises under the chairmanship of Rangarajan was appointed in 1993. This committee emphasised the read for substantial disinvestment upto 49%. Therefore, a Disinvestment Commission was set up in 1996. The recommendations of the commission is a shift from public offerings to strategic/trade sales with transfer of management in 41 Public Enterprises and 5 by public offerings. The private owner acquires 26% of equity in Public Enterprises and control the unit is nothing but privatisation. This mode of privatisation is subject to severe opposition. The following profit earning units VSNL, BALCO, IPCL, IBP, HPCL, BPCL, etc., were disinvested. Now (2004) the New Government is considered to stop the disinvestment of profit earning public Sector Enterprises.

Model Question:

1. Pointout the main objectives of Public Enterprises in India.

LESSON - 14

STATE ADMINISTRATION

India is a Union of States and Union Territories. At present there are 29 States and 5 Union Territories in the country. The constitution vests the executive power of the State in the Governor who is assisted by a Council of Ministers headed by Chief Minister. The Council of Ministers acts on the model prevailing at the Centre and is held together by the principle of ministerial and collective responsibility. The number of Ministries varies from State to State according to the conditions and political exigencies.

The chief subjects administered by the State Government are Home Affairs, Finance, Land Revenue, Agriculture, Education, Labour, co-operation, Community Projects, Social Welfare, Industry, Irrigation, etc. Each subject is entrusted to a Minister who is the final authority in regard to the day-to-day administration of the subject or subjects allotted to him. Matters of policy of differences between Ministers come on the agenda for its meetings, records its decisions and communicates them to the departments or officials concerned.

1. Governor

Governor is a key person in the State Administration. The Head of the State is the Governor who is the constitutional head of the State just as the President is the constitutional head for the whole of India. There is a Council of Ministers for each of the State like the one at the Centre. The real executive head of the Government in the State is the Chief Minister, who is the counterpart of the Prime Minister at the Centre A healthy convention has been established in that the Governor is not merely a nominee of the Central Government but also one who is agreeable of State concerned. That is why the State Cabinet is consulted by the Central Government prior of his appointment as a new Governor. Another well established healthy tradition is that the person selected as the Governor is normally on outsider of the State. He can act with greater impartiality and be above internal party politics of the State. The Government of a State is appointed by the President for a term of five years and holds office during his pleasure. The executive power of the State is vested in the Governor.

The Council of Ministers, with the Chief Minister as head aids and advises the Governor in the exercise of his functions except in so far as he is by or under the Constitution required to exercise his functions or any or them in his discretion.

Qualifications and Terms:

To be eligible to hold the office of the Governor a person has to be:

(i) a citizen of India;

(ii) Complete the age of 35 years;

(iii) not to hold any office of profit under the State; and

(iv) not to be or be willing to cease to be a member of either House of Parliament or a State Legislature.

According to Article 156, he holds office during the pleasure of the President which means that the President can remove him from office earlier than five years if he so choose. This can happen only if the party in power at the Centre finds a particular Governor, appointed by the president previously, not very agreeable to follow his instructions The Governor draws a salary paid out of the Consolidated Fund of the State He also gets rent free official resident, known as the 'Raj Bhawan'. Under Article 361, the Governor, like the President, is not answerable to any court for the exercise and performance of the powers and duties of his office. No criminal proceedings can be instituted or continued in any court during his term of office. No court can issue a warrant of arrest. Civil proceedings can be instituted against him *provided two months'* notice is given to him.

Powers of the Governor:

According to D.D. Basu, an authority on constitutional studies, the powers of the Governor of the State are analogous to those of the President excepting that the Governor has no diplomatic, military or emergency powers Article 154 vests the entire Executive power of the State in the office of the Governor and makes it exercisable by him, either directly in his discretion or through officers subordinate to him. The powers of the Governor can be discussed under the following four heads; *executive, legislative, financial and judicial.*

Executive Powers:

(a) His powers extend to matters enumerated in the State List. In the case of matters enumerated in the Concurrent List, the Governor exercises power over them, subject to the executive authority of the President.

(b) He appoints the Chief Minister who holds office during his pleasure., In consultation with him, he appoints other Ministers and allocates various portfolios to them.

(c) He makes rules for the transaction of business of the Government of the State and for its allocation among Ministers.

(d) He makes appointments of various important officials, as the Advocate General, the chairman and members of the State Public Service Commission He is consulted by the President while making appointments of the High Court judges.

(e) The Chief Minister is required to inform the Governor of all the decisions of the Council of Ministers in executive matters and relating to legislative proposals.

(f) The Governor may ask the Chief Minister to place a matter before the Council on which a Minister has taken decision without its being discussed in the Council.

Legislative Powers:

Though the Governor is not a member of either House of the legislature, he is equipped with some important powers in the legislative field.

(a) He summons, adjourns and prorogues the State Legislatures. He may dissolve the Legislative Assembly.

(b) All bills passed by the State Legislature must be referred to him for his seal of approval. He may give his approval or reserve it for further reference to the President or may return it to the Legislature for reconsideration. If the bill is again passed in the same form, it is obligatory for the Governor to give assent. He has no power to veto a bill.

(c) Money bills cannot be returned by the Governor to the Legislature for reconsideration. But no money bill can be introduced without prior recommendation. He has to reserve certain bills for consideration of the President.

(d) At the commencement of the first session of the State Legislature every year, the Governor delivers an Address, outlining the executive policy and the legislative programme of his Government. He may also send messages

recommending certain measures for legislation. He may address both the Houses separately or jointly.

(e) The Governor can promulgate ordinances during the recess. They cease to be effective six weeks after reassembly of the Legislature unless approved earlier.

(f) He nominates one-sixth of the total strength of the State Legislative Council from amongst men having distinction in the fields of science, arts, literature, co-operative movement and social service He can also nominate two members of the Anglo-Indian community to Legislative Assembly, if that community does not get adequate representation otherwise.

Financial Powers:

(a) Before the beginning of every financial year he causes to be laid, through the Finance Minister, before the Assembly, an annual estimate of the Revenue and Expenditure of the State.

(b) No money bills can be introduced in the Assembly without his previous recommendation. He cannot return a money bill for reconsideration.

Judicial Powers:

(a) The judges of the High Court take the oath of their office before him.

(b) He is consulted by the President when a judge of the State High Court is to be appointed.

(c) He possesses the power of pardon, reprieve and remission.

Emergency Powers:

(a) When President proclaims emergency in the country, the Governor acts as his agent.

(b) The Governor recommends to the President that the Constitution has broken down in his State and emergency may be declared. If the President is satisfied, he may declare the emergency. During this period of emergency the Governor assumes all powers, the Council of Ministers is dismissed and the Legislature is dissolved. The Governor makes these recommendations without consulting his Ministry. The Governor becomes

the real head of the Executive and runs the State administration with the aid of civil service. These are occasions when he acts in his discretion. Dr. Ambedkar opined that the Governor's powers would be so limited, so nominal and his position so ornamental.

Discretionary powers of the Governor

The Governor has to act in his discretion on so many occasions. As agent of the Central Government he does nor come in conflict with a State Ministry which belongs to the same party as the party at the Centre. But, if the opposition party or parties form a Ministry, he has to use his discretion. Neither the Chief Minister nor the State legislature can control a Governor when he acts in his discretion. But the President can control him. He can be dismissed if he tries to be a dictator. His powers lie in the fact that "he is the link that fastens the Federal State chain; the channel which regulates the Union-State relationship".

Some of the occasion when he can act in his discretion are:

(a) Selection of Chief Minister: If the State is not blessed with a party enjoying a clear majority, the Governor can play a vital role. Normally alliances formed have not shown such cohesion as to form a stable ministry.

(b) Dismissal of a Ministry: In case of a split in the party in power and defection of its members to join the opposition, the Governor has to decide to call forth the opposition to form the ministry or to dissolve the Assembly or give an opportunity for things to settle down.

(c) Dissolution of the Legislative Assembly: A defeated Ministry may advise a Governor to dissolve the Assembly. He may follow the advice or may not.

(d) Advising the President to proclaim Emergency: In all cases so far the President has declared emergency in a State on the report of the Governor of that State It may at times be a 'command performance' only on behalf of the Centre.

(c) Other Occasions when the Governor acts in his discretion are when he asks the Chief Minister to place a particular matter for consideration of the Council of Ministers or when he seeks some information from his Chief Minister on a particular matter.

The provisions dealing with Governor's discretionary powers are couched in general terms.

However, the Governor's discretionary power can never be absolute. In the final analysis the Governor is not a free agent, neither during normal nor abnormal times.

On the whole, however, the emphasis has been on the role of the Governor as an adviser. He too has a right to be consulted, the right to encourage and the right to warn. He can never be a sleeping partner in the administration of the State. The above account of the powers of the Governor indicates that he enjoys immense powers in all spheres of administration. The Constitution lays down that all executive action should be taken in his name; at the same time Constitution also lays down; "There shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions except as so far as he is, by and under this constitution, required to exercise his functions or any of them in his discretion". The Constitution does not define the discretionary powers. Who takes, the decision when he acts in his discretion is not clear; Article 154 lays down that the validity of the Governor's actions cannot be challenged on the ground that he ought not to have acted in his discretion.

An evaluation of office of governor

In ordinary circumstances the function of the governor is to act on the advice of council of ministries. Of course it does nor mean automatic and spontaneous acceptance. There is always a mutual discussion between them. He can ask for consideration or reconsideration of any matter. Of course, he can not totally reject the advice, the last resort is he is found to accept their advice.

There are different views regarding the real position of a governor. Some say that he is 'a figure head' or ' rubber stamp and also he is a 'Post office' linking state cabinet and president. The former governor of Madya Pradesh Dr. Pattabhi Sitaramayya said that the duties of the governor is to host tea, lunch and dinner and nothing other than that.

Mrs. Vijayalakshmi Pandit who served as the governor of Maharashtra simply felt that the office of governor must be abolished, She said that the attraction of this office is salary. "The governor" according to K.M. Mushi" is the watch dog of constitutional propriety and the link which finds the state to the centre thus securing the constitutional unity of India".

The governor's office was never meant to be an ornamental one. The view th the governor is a rubber stamp is also not accepted, because this office was designe to play a vital role in the administration of the State. So the question of abolition (the office of governor does not arise. In the beginning of the functioning of constitutio there was the cordial and friendly relations between the chief Minister and th Governor.

The role of a governor is very difficult because of the reasons that he is the head of the parliamentary form of government. As he is an essential part of the constitutional machinery, he fulfils the essential purpose and also does essential services. He serves impartially and stands independent in politics. All these depends on the individual character Most of the governors are having political leaning. It is better to avoid politicians being appointed as governor.

Model Question :

Evaluate the role of Governor in State Administration.

LESSON - 15

THE CHIEF MINISTER

The Chief Minister is the real head of the State Administration. The Chief Minister and the Council of Ministers exercise the real executive powers in the State. Article 163 of the Constitution provides that there shall be a Council of Ministers to aid and advise the Governor in discharging his functions.

Article 164 provides that the Governor shall appoint the Chief Minister and other Ministers appointed on the advice of the Chief Minister. The leader of the majority party in the Legislative Assembly is appointed as the Chief Minister, when a single political party enjoys a majority in the House. However, a coalition on a number of political parties is formed before the general election and it secures a clear majority, the Governor has to invite the common leader of the coalition. The Constitution does not lie down that the Governor shall appoints the leader of the single largest party in the Assembly, if he thinks that such a person will be incompetent in shouldering the responsibility as a leader of the House or as the head of a coalition, when no party is in a majority. There are several instances, Article 164 (i) of the Constitution, which imposes any restriction or condition upon the power of the Governor to appoint a chief Minister, As to the appointment of other Ministers, the Governor was required to act on the advice of the Chief Minister. The Governor can invite even the leader of a minority party to act as Chief Minister. Chief Ministers who have lost the support of majority in the House are allowed to hold office in the absence of convening of the State Assembly. This clearly indicated that the Governor could make use of his discretion in favour or against anyone heading the State Government.

Our Constitution does not provide whether a person, who is appointed as a Chief Minister should be the member of the Legislative Assembly or not. There are instances of Chief Ministers being appointed although they were not members of the Legislative Assembly e.g., in 1952, C. Rajagopalachari and in 1967 C.N. Annadurai were nominated to the Legislative Council and was appointed as the Chief Minister.

A Governor should be a close observer of the political development in the State and should keep himself fully informed about the political situation at any given time. He has several means of doing so and of knowing what is happening in the State. In the light of his full knowledge of the situation, he should invite the person who commands a clear majority in the Legislative Assembly.

Powers and Functions

The Chief Minister being the real executive is the pivot of the State Administration. Constitutionally, the head of the Council of Ministers in a State is the Chief Minister.

1. Formation of the Council of Ministers:

The Governor appoints the Chief Minister and the other Minister on the recommendations of the Chief Minister. On the recommendation of the Chief Minister the Governor dismisses the Ministers. His own resignation means the resignation of the entire Ministry. The Council of Ministers in fact, is the maker and shaker of his Ministry.

2. Allocation of Portfolios:

The Chief Minister, after selecting his team of Ministers allocates the Portfolios to his colleagues. Normally, the most important portfolios such as Home and Finance are allocated to senior Ministers who are close to him. He can also exercise his right to reallocate portfolios. The Chief Minister only decides about the size of his Ministry at his discretion and presides over Cabinet meetings. The Chief Minister is the Chairman of the Cabinet and convenes and presides over its meetings from time to time. The Chief Minister, being responsible for the entire policies of the State Government, coordinates the policies and working of different Ministries. He tries to establish complete harmony and cooperation for the successful working of his Ministry.

The Chief Minister is the coordinating link between the Governor and his Cabinet. All decisions of the Council of Ministers are communicated to the Governor.

It shall be the duty of the Chief Minister of each state

(A) to communicate to the Governor of the State all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation;

(B) to furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for, and

(C) If the Governor so requires, to submit for the consideration of the Council of Ministers any matters on which a decision has been taken by a Minister but which has not been considered by the Council.

The Chief Minister is the leader of both the ruling party and the House. He maintains discipline in the House and in his own party. He also appoints party whips for maintaining discipline in the party. He has to see whether the members are following the whips issued from time to time or not. His statements carry due weight and are authentic, as he is the Chief spokesman of the Government. He can advise the Governor to dissolve the House. The Speaker of the House consults the Chief Minister, before deciding the agenda of the House for each session. The Chief Minister who exercises the real powers in a State. He recommends to the Governor to make appointments In making such appointments, the Chief Minister makes use of his powers and commands the greatest patronage to keep the interest of the State safe.

The Chief Minister is vested with vast powers but these powers depend on the trend of the politics as well as the circumstances. But a coalition Government, these may be weakened; sometimes, the powerful influence of the party high command at the Central level, too, does not allow the chief Minister to enjoy power independently while heading the majority party. But the Chief Minister should be honest and endowed with the qualities of reason and good judgement. He should not tarnish politics by the conduct of public affairs for private gain but should look his office as a public trust. In theory the Chief Minister and the Council of Ministers hold office during the pleasure of the Governor but in practice the Chief Minister and the Council of Ministers stay in power till they enjoy the confidence of the House and have the support of the majority in the Legislature.

Thus, as long as the Chief Minister is the leader of the majority party and the party discipline binds all members together, the Ministry has no problems. But if the party discipline is loose or the party is a coalition party or defectionism and opportunism prevail, the Chief Minister certainly finds it difficult to carry on his work smoothy. If he belongs to the party which is in power at the Centre he looks to the Prime Minister for backing and support. If he happens to be leading a party in opposition to the party in power at the Centre, he will certainly face very times. Defections will be common.

The Council of Ministers

The Ministers are chosen from among the members of the Legislature and they are responsible to it. If some person who is appointed a Minister does not happen to be the member of the Legislature, he must become the member within six months. The Ministers attend the meeting of the Assembly and participate in the proceedings. The Chief Minister and the Ministers place before the Legislature the official policies.

All official bills are placed before the Legislature by Ministers concerned.

The Legislature exercise control over the Ministers in a number of ways :

(a) By putting questions and supplementary questions on administrative matters, pointing out omissions and commissions of the party in power.

(b) By moving adjournment motions by bringing to light certain shortcomings of the Government.

(c) By rejecting a government bill put up before the Legislature or by moving an amendment which is not agreed to by the Ministry but is passed by the Legislature, thus indicating that the Ministry does not command a majority in the Legislature.

(d) By rejecting a money bill put up the Minister or by passing a cut motion in the money bill, not acceptable to the Ministry. A cut motion in any matter is also an indication of non-confidence in that particular Ministry. However, as long as the party in power enjoy a comfortable majority, the Ministry leads the Legislature. This is what is called the 'Cabinet Dictatorship'.

In case the Ministry is outvoted in the Assembly, the Chief Minister may either submit resignation of the Ministry or may advise dissolution of the Legislature and holding of fresh election. On such occasions the Governor uses his discretion.

Normally a single party Ministry with a majority in the Assembly is not easily thrown out and continue to remain in power throughout the full terms. If the Ministry happens to be a coalition ministry or the majority is rather precarious, most of the times of the Chief Ministers is spent in keeping the team together. At times he goes on expanding the Ministry so that he can have within the Ministry leaders of every small dissenting group within the party. Those who are not adjusted in the Ministry are given certain other important assignments, as the Chairman of an autonomous body.

Most of the laws initiated in the Legislature come from the Ministry and are called the Government bills. All money bills, of course, emanate from the Council of Ministers.

Reservation of Bills:

The Governor of State may reserve any bill for the consideration of the President. Bills relating to subject like compulsory acquisition of property, measures, affecting the powers and the position of High Court, and imposition of taxes on the storage, distribution and sale of water or electricity, inter-state river valley development projects should necessarily be so reserved. No bills seeking to impose restrictions on inter-state trade can be introduced in a State legislature without the previous sanction of the President.

Control over Executive:

The State Legislatures, apart from exercising the usual power of financial controls, all the normal parliamentary devices like questions, discussions, debates, adjournment and no-confidence motions and resolutions to keep a watch over the day-to-day work of the executive They also have their Committees on Estimates and Public Accounts to ensure that grants sanctioned by the legislatures are properly utilised

STATE LEGISLATURE:

For ever state, there is a legislature which consists of the Governor and one House or, as the case may be, two House. In Bihar, Jammu and Kashmir, Karnataka, Maharashtra and Uttar Pradesh, there are two Houses known as the Legislative Assembly and the Legislative Council. Parliament may, by law, provide for the abolition of an existing legislative council or for the creation of one where one does not exist, if the proposal is supposed by a resolution of the Legislative Assembly concerned.

Legislative Council:

The Legislative Council of a State comprises not more than one-third of the total number of members in the legislative assembly of the state and in no case less than 40 members (The legislative council of Jammu and Kashmir has 36 members vide section 50 of the Constitution of Jammu and Kashmir). About one-third of the members of the Council are elected by members of the Legislative from amongst person who are not its members, one-third by electorates consisting of members of municipalities, district boards and other local authorities in the state, one-twelfth by electorates consisting of persons who have been, for at least three, years, engaged in teaching in education institutions within the state not lower in standard that secondary schools and a further one-twelfth by registered graduates of more than

three years' standing. The remaining members are nominated by the governor from among those who have distinguished themselves in the fields of literature, science, art, co-operative movement and social service. The legislative councils are not subject to dissolution but one-third of their members retire every second year.

Legislative Assembly:

The Legislative Assembly of a state consists of not less than 60 members (the legislative assembly of Sikkim has 32 members vide Article 371F of the Constitution) chosen by direct election from territorial constituencies in the state. The demarcation of territorial constituencies is to be done in such a manner that the ratio between the population of each constituency and the number of seats allotted to it, as far as possible, is the same throughout the state. The term of an Assembly is five years unless it is dissolved earlier.

Powers and Functions of the State Legislature:

The State legislature has exclusive powers over the subjects enumerated in List II of the Seventh Schedule to the Constitution and concurrent powers over those enumerated in List III. The financial powers of the legislature include authorisation of all council can make only recommendations in respect of changes it considers necessary within a period of fourteen days or receipt of a money bill from the Assembly. The Assembly can accept or reject the recommendations.

Union Territories:

The union territories are administered by the president, acting to such extend as he thinks fit, through an administrator appointed by him. The Administrators of Andaman and Nicobar Island, Delhi, Daman and Diu, and Pondicherry are designated as Lt - Governors while the Administrators of Chandigarh is designated as Chief Commissioner. The Lt.-Governor of Daman and Diu is concurrently the administrator of Dadra and Nagar Haveli. Lakshadweep has a separate administrator. The Union territories of Daman and Diu, and Pondicherry have legislative assembles and Council of Ministers. Andaman and Nicobar Island have a Pradesh Council and Councillors appointed from among the members of the Pradesh Council.

The Legislative Assemblies of the union territories may make laws with respect to matters in the state field, namely, those enumerated in List II or List III in the Seventh Schedule on so far as they are applicable in relation to union territories, Parliament can also make laws with respect to such matters for the union territories.

The Pradesh Council in Andaman and Nicobar Island has the right to discuss and make recommendations about matters in so far as they relate to Delhi and Andaman and Nicobar Island.

Zonal Council:

The States and union territories on the mainland, except those in the North Eastern region, are grouped into zones. Each zone has a high level advisory body known as the Zonal Council which provides the forum for discussing matters of common interest to the states and union territories in that zones. The States of Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and the union territories of Chandigarh and Delhi are in northern zone. The central zone comprises Madhya Pradesh and Uttar Pradesh, Bihar Orissa, Sikkim and West Bengal are in the eastern zone, Goa, Gujarat and Maharashtra and the union territories of Daman and Diu and Nagar Haveli are in the western zone. The southern zone comprises the States of Andhra Prasdesh, Karnataka, Kerala and Tamil Nadu and the union territory of Pondicherry.

Model Questions :

Explain the position and functions of the Chief Minister in the State.

LESSON - 16

STATE SECRETARIAT

The word "Secretariat" is the Office of the Secretary. The Secretary, being the principal adviser to the Ministers, needs an office and staff to assist in the performance of his functions. After Independence the power of governance came into the hands of the Ministers and thus the Ministers, not the Secretaries, became the final authority in the field of administration. In the changed political and constitutional situation, the term Secretariat has continued but its nature and complexion have undergone much changes.

Just as we have a secretariat at the Centre, similarly we have a secretariat in every State to help the Council of Ministers in the disposal of business. Each of the main departments of the Government has its Secretary. The Secretary is the official adviser to his Minister. He belongs to the IAS cadre. His main official duty and responsibility is to give information and advice to the Minister. He gives the final touches to the notes on the papers supplying his own minute on them and marks what should go to a Minister. In this case he has to exercise his discretion carefully because a wrong use of his discretion may lead to censure.

Secretary:

Each Secretary is assisted by a Deputy Secretary or Under Secretary and one or more Assistant Secretaries. Sometimes, when the work is heavy, he has a Joint Secretary with equal powers over the subjects allotted to him; The office of Secretary is divided into a number of sections, each section being headed by a Superintendent. The Superintendent is generally responsible for the prompt, speedy and efficient despatch of the work of the section. He examines the cases pending with clerks and advises them on their work. He is responsible for the accuracy of notes and drafts of his sections. He does not pass orders on the files nor suggests what orders should be passed but sends the files to the Under Secretary or still higher up depending upon the case under consideration. The method of work in the State Secretariat is practically the same as prevails in the Central Secretariat.

Briefly put, all the papers addressed to the Department are received by the Receipt Clerk who distributes them to the various sections concerned. The Section Assistant, on receipt of the papers, submits them to the Superintendent who marks them to the dealing Assistant. The Superintendent may also deal with some urgent papers himself.

State Secretariat

Every state has a Secretariat of its own. It is the basic unit of state administration. Secretariat consists of several departments of state government. The Chief Secretary is the head of the entire State Secretariat, while a Secretary is the head of one or two departments. The Secretary is usually a senior IAS officer. Secretary is the Secretary to the State Government as a whole and not to the individual minister concerned.

Organization

The number of Secretariat departments varies from state to state. It ranges form 15 to 35 departments. The departments, which are common to all the states, are mentioned below.

General Administration

- Home
- Finance
- Jail
- Revenue
- Forest
- Agriculture
- Labour and Employment
- Panchayati Raj
- Public Works
- Education
- Planning
- Irrigation and Power
- Law
- Social Welfare
- Housing
- Civil Supplies
- Transport

- Local Government
- Excise and Taxation
- Publicity and Information
- Cooperation
- Health

Personnel

A department of the secretariat consists of officers who are appointed for a fixed tenure. The hierarchy of the Secretariat officers is:

- Secretary
- Special Secretary/Additional Secretary
- Joint Secretary
- Deputy Secretary
- Assistant Secretary

The Secretariat consists of the following personnel.

- Superintendent (or section officer)
- Assistant Superintendents
- Upper Division Clerks
- Lower Division Clerks
- Steno-typists and typists
- Manual Workers.

Under the State Government Rules of Business, a Department rests with a Ministry who is the political head of the Department. He may have a Minister of State or a Deputy Minister to assist him in his work. Each Department consists of a Secretary to Government who is the official head of the Department. If necessary, more than Department can be placed in charge of the same Secretary. There are Additional Secretaries, Joint Secretaries, Deputy Secretaries, Under Secretaries and Assistant Secretaries constituting the Gazetted staff of the Department. Some important departments like Home and Finance, may have all these grades of officers. In some

other Departments there may not be posts like Additional Secretaries or Joint Secretaries. The Chief Secretary is the head of the entire Secretariat administration of the State. There may be a Additional Chief Secretary post in some State Secretariats. It may be mentioned here that there is no Chief Secretary or Additional Chief Secretary in the Central Secretariat. This designation is applicable only to State Secretariats.

The Secretary of a Department has three-fold functions. He is the principal adviser of the ministers in all important matters of policy and administration. He is responsible for efficient and economic administration of the Department and finally he represents the Departments before the Legislative Committees especially before the Public Accounts Committee, in order to give an account of its financial administration. The Secretary, however, is free to give general or specific instructions for the type of cases to be submitted to him directly. He should keep himself fully informed of the work of his department by demanding periodical reports; Describing the role of the Secretary, Gopalaswami Ayyangar has observed.

"A Secretary should not be immersed in files and burdened with routine. It is essential that he should have time to grasp the overall picture, size up the problems facing government in the field allotted to his charge, and think and plan ahead. All these are his proper functions and must be efficiently performed. Failure to make adequate provisions in this respect cannot be compensated by mere increase in the establishment under the control".

Where the charge of the Secretary is too large, he may be assisted by a Joint or Additional Secretary who formally functions as the Secretary in relation to the subject allotted to him The function of the latter is to relieve the Secretary of the heavy burden and to deal, where necessary, direct with the Minister. The Secretary, however, is to be kept informed on this matter.

Functions

A Secretariat is staff agency. Function is to assist the Minister in the fulfilment of his role. It performs the following functions.

i. To formulate the policies and programmes of the state government.

ii. To coordinate the state government policies and programmes.

iii. To prepare the state budget and impose control on public expenditure.

iv. To frame legislation, rules and regulations.

v. To Supervise the implementation of policies or programmes by field agencies.

vi. To review the results of the execution of a policy.

vii. To maintain contacts with Central and other state Government.

viii. To initiate measures to develop greater organizational competence, that is, O and M work.

ix To assist ministers in discharging their responsibilities to the state legislature, like answering administration.

x. To serve as a think-tank of the State Government.

xi. To explore the possibilities of improving the financial position of the State.

xii. To receive the complaints, representations and appeals from the people and solve them.

xiii. To approve service rules and their amendments.

The Chief Secretary

The success and prestige enjoyed by a Chief Secretary depends, to a large extent, upon his equation and relationship with varied sets of people and institutions, which form his work-environment. On the one side, there are politicians such as the Chief Minister, Ministers, MPs and MLAs, and on the other, there is a network of administrative functionaries. His position, therefore, depends upon his sagacity, capacity and personality in handling the members of the role-set in an effective manner. The situation is aptly summed by Mangat Rai: "The Chief Secretary's job is not a technician's or even a professional's he is not a knowledgeable engineer, nor even a first class magistrate, he is part of the process of government and in a Democratic Republic, part of the human process".

Chief Secretary occupies most important position in the State Administration. The Chief Secretary not only has to render objective advice to the Chief Minister and carry out the policies of the council of ministers headed by the Chief Minister. The foregoing description of the functions and responsibilities of the Chief Secretary gives an account of the crucial role he plays in state administration. He has enormous

formal authority, dignity, status and influence. Yet, it is the personal standing, experience, vision and style of working that help him in performing his tasks effectively.

Origin, Growth and Position

The Chief Secretary is the executive head of the State Secretariat. He is the administrative head of the State administration and stands at the apex of the state administrative hierarchy. He is the chief of the secretaries and his control extends to all the Secretariat departments, guides and controls the entire state administration. Since 1973, a Chief Secretary is the Senior-most civil servant in all the states. In 1973 on the recommendation of the Administrative Reforms Commission, it was restored. The office of Chief Secretary has been excluded from the operation of the tenure system. The Administrative Reforms Commission of India recommended that the tenure of Chief Secretary should be of three to four years.

Powers and Functions

The Chief Secretary acts as the Principal advisor to the Chief Minister on all matters of state administration, and the Chief Minister consults the Chief Secretary on all policy issues. He advises to the Chief Minister about the administrative matters and to other secretaries of the state government. The Chief Secretary acts as a Secretary to the State Cabinet because he is the administrative head of the Cabinet Secretariat and attends the meetings of the Cabinet and its sub-committees, if needed and he prepares the agenda for Cabinet meetings. He acts as the head of the State civil service. He is in charge of all cases related to appointment, transfers and promotion of senior state civil servants. He maintains the morale of the state civil service. The Chief Secretary plays the role of the Chief coordinator of state administration. He works towards ensuring inter-departmental coordination. He acts as chairman or coordination committees set up for resolving interdepartmental disputes. He only presides over the conferences attended by Divisional Commissioner. District Collectors and the heads of departments of district administration to effect coordination. The administrative head of secretariat departments is Chief Secretary. The General Administration Department, Personnel Department, Planning Department and Administrative Department are the most important department in the State Secretariat The Administrative Reform Commission of India recommended that the Chief Secretary should directly head the Personnel Department in all the states.

Unforeseen problems like flood, drought, communal disturbances, and other, the Chief Secretary plays a very dynamic role. He provides guidance and leads the officers and agencies engaged in relief operations.

Other functions and roles of Chief Secretary

i. He looks after all those matters, which do not fall within the purview of other secretaries.

ii. He acts as the Secretary, of the Zonal Council of which the state concerned is a member.

iii. He exercises general supervision and control over the entire State Secretariat.

iv. He administers over the Secretariat library, the conservancy and lower level of the Secretariat departments.

v. He acts principal channel of communication between his government and the Central government and other state governments.

vi. He plays a significant role in the administration of law and order and planning.

vii. He attends the annually held chief Secretaries conferences presided over by the Cabinet Secretary of the Union Government.

viii. He is the spokesperson of State Government.

ix. He acts as the Chief advisor to the Governor when the President's rule is imposed in the state.

x. He attends the meetings of the National Development Council.

xi. He acts as the chief public relations officer of the state government.

Thus we have evaluated the role of Secretariat and functions of Chief Secretary.

Model Questions:

Discuss the organisation and functions of State Secretariat.

LESSON - 17

DISTRICT ADMINISTRATION - COLLECTOR

The District is the most important unit of field administration. Since the early days of the British rule in India, the district has continued to be the principal unit of administration. The post of the District Collector was first so named by Warren Hastings, the first Governor General of India in 1772.

Each State in India is divided into Division which in turn, are split up into districts. The Divisional Commissioner is incharge of a division which is composed of a number of districts Each district is under the charge of a District Officer who is popularly, known as the District Magistrate or the District Collector. He occupies a key position and upon his energy, efficiency and personal character depend the efficiency of the local government.

With the advent of panchayati raj, the district administration has undergone a complete change. There are not two sectors of administration in the district: state and panchayati raj. While the panchayati raj bodies are, by and large, charged with developmental work, the state is left with the regulatory functions like revenue, law and order, etc.

District Collector

The district collector is now the symbol of the State government, although he is primarily the head of revenue administration. The ultimate responsibility for maintaining law and order in the district also rests with him. In certain cities, however, he has been relieved of the responsibility of maintenance of law and order. In spite of the separation of the judiciary from the executive, he still retains his position as the district magistrate, and has certain magisterial powers necessary for the prevention of breach of peace. Further, the Municipalities Acts of certain states vest in him certain powers of inspection and supervision of municipalities and panchayati raj bodies. Finally, since the establishment of zilla parishads, he has been specifically charged with the duty of coordination among the different departments for purposes of implementation of schemes in the State sector.

The years immediately preceding the establishment of panchayati raj witnessed greater involvement of the collector in developmental programme. He acted as the chairman of the district development board set up in 1952 and of the village panchayat mandals established in 1959. With the establishment of zilla parishads and the transfer

of most of the developmental functions to them, the zilla parished has assumed the image of the district government, challenging closely the institution of the collector. This challenge comes both from the official side, viz., the chief executive officer who is also from the IAS cadre and from the non official side, viz , the president of the zilla parishad, now the first citizen of the district. Below the zilla parishad are the two tiers, viz., panchayat samiti and village panchayat. The revenue taluk and the panchayat samiti are coterminus. Excepting for the officers who are interchanged between the government departments and panchayati raj bodies, the latter have huge staff of its own consisting of class III and IV services.

However, the district collector retains his original position, i e. principal agent of the government. Thus he continues to be responsible for the elections to the zilla parishads and other local bodies. He is the chairman of the land improvement committee comprising the agricultural development officer of zilla parishad and the divisional soil conservation officer. He also presides over the district coordination committee For some time, the chief executive officer used to attend this committee

Now the collector has emerged as the supreme head of district administration Today the office of the collector in many States is a 'trio' combining in itself the roles of the divisional commissioner, the collector and the chief executive officer of the zilla parishad. He is the channel of communication between government and the district department, maintaining, in several respects, direct link with the chief secretary by virtue of his chairmanship of the zilla development board and administrative control of all executive officers in the district. Like the Divisional Commissioner, he coordinates between the state and panchayati raj sectors, as the chairman of zilla development board and as the chairman of the district coordinating committee.

Thus in most of the States, the collector continues to be the ultimate head or revenue and police departments and the principal spokesman of the state government in the district. His responsibilities towards administration is immense.

Land and Revenue

District Collector no longer devotes major part of his attention to land revenue since the acceptance of the recommendation of M T Raju Committee in 1967 An IAS officer is now appointed under his control to look after the revenue administration While the separation of judiciary from the executive in 1951 and the increasing reliance of the government on the superintendent of police for the maintenance of law and order has lessened his direct involvement in the administration of criminal procedure code, his prime responsibility for the maintenance of law and order continue.

Except in some States, the whole district is brought administratively under a single head, i.e., the district collector. Both the state and panchayati raj sector departments are under his administrative control. As head of the district administration, he has overall responsibility for the regulatory and development departments. Under the Raju Committee report, however, his direct responsibility, which was formerly confined to regulatory departments, has been replaced by the of developments. Now his headship of these departments has been formalised by delegation of authority of state heads of technical departments within the district. This has brought him in parallel with the chief executive officer of zila parishad, although the latter presides over the development departments within the ambit of zilla parishad only.

Finally, as agent of state government for control, guidance and supervision of the municipalities and panchayati raj bodies (unlike the municipalities in respect of which he operates from without), he functions from within so far as the zilla parishad is concerned He is its member and chairman of its standing committee. Thus, this close involvement has accorded him a powerful position to influence its decisions.

While in respect of regulatory departments most of States operate directly, through state officials, they differ in respect of development sector which almost entirely falls under the purview of zilla parishad; it is shared by the panchayat samiti at the block level. In order words, responsibilities for promoting the economic growth of the district are discharged jointly by the state and the zilla development board, the standing committees of the zilla parishad provided a forum for the state officials of the district with the collector as the chairman and the representatives of the zilla parishad, to pool their knowledge and experience for the economic growth of the district. But now each district has a development board with the district collector as chairman, and the chairman of zilla parishad as member. The district officials are invited to attend the meetings of the board to assist it in the performance of its duties. It is the task of the board to formulate and implement programmes designed to secure the economic development of the district and, in particular, programmes connected with agricultural and industrial production. It co-ordinates the district plan on receipt of schemes from the government and proposals from district officials and the panchayat samitis bearing on agricultural and industrial production both plan and non-plan-intended to be taken up in the district during the year. After the examination of production potentialities of each of the schemes with the help of district officials, the board fixes targets of production that are to be achieved under the scheme.

The Collector belongs to the Indian Administrative Service and is appointed by

the Government. He is allotted to a state in accordance with the existing scheme of Indian Administrative Service. He is known as the District Collector, District Officer, District Magistrate and also as the Deputy Commissioner in some states. The Indian Administrative Service consists of direct recruits and promotees from the State Civil Services. Therefore, Indian Administrative Service direct recruits are posted as Collectors in their twenties whereas the promotees to the Indian Administrative Service from the state civil services occupy this position generally in their fifties.

Besides, the emergence of several technical departments like labour, agriculture, cooperatives etc , together with a host of executive officers who man these departments had led to the reduction of the Collector's authority. Some of the technical departments are headed by the specialists and the relatively independent of the Collector Though a lot has been said about the developmental role of the Collector, the sad truth is that democratic decentralization in the form of Panchayati Raj, which preceded this role has curtailed his powers drastically in some states. The zilla Parishads, particularly, have emerged as separate centres of power, largely independent of the Collector.

Several other factors such as the Collector being overworked, his losing touch with the masses, frequent breakdown of law and order machinery, large size of the districts, problems of coordination with the police, the revenue administration and the technical departments etc., also pay a role in determining the extent of the Collector's real authority. In a democratic set-up, the role content had to change. No institution today is an exact replica of what it was yesterday. The objective of the government today is welfare of the masses and therefore, although the Collector is no longer the proverbial tortoise on whose back stood the giant elephant of the government, he still remains the general manager of governmental business at the district level.

As Collector

As the head of the revenue administration of the district, his foremost task is the assessment and collection of land revenue. Khera points out two principles, which must be adhered to here The first is that revenue which is assessed, like all taxes, which are assessed, must be collected in full. Any tendency to relax or depart from this principle or for the Collector to permit it to be weakened or watered down will, sooner or later, and probably quite soon, make the collection of the revenue extremely difficult. The second principle predicated timely collection of the dues. Timely collection is stressed because, in case of lapse, collection becomes difficult and severe measures may be needed to enforce the collection. Taxes due to the government

may be of several types, such as irrigation dues, income-tax dues, agricultural dues, canal dues, etc. The irrigation department makes out demand lists of irrigation dues each season and sends them to the Collector who is then responsible for the recovery of theses loans Although income-tax is a Central department, arrears of income-tax can be certified to the Collector of district for collection. Collection of sales tax arrears is yet another responsibility of the Collector.

The Collector, together with other officials, is responsible for assessing the amount of relief required in case of an agricultural calamity, estimating the amount to be given in each individual case and also the recovery of these loans. Land acquisition is another major responsibility of Collector. Due to the various development projects, housing schemes, slum clearance etc., and lands has to be acquired for public purposes The Collector is responsible for this acquisition An important function as a revenue officer is the preparation as well as maintenance of land records. This includes survey of land and settlement operations, execution of land reform laws. He is the manager of government estates in the district, government land, forests, waterways etc Lastly, he also hears appeals in revenue cases against the orders of the lower courts.

As District Magistrate

The Collector's next function is magisterial in nature. In the capacity of a District Magistrate, he is responsible for the maintenance of law and order in his district. His position, in this context, assumes greater significance looking to the social, political and communal tensions that threaten the law and order situation so frequently. Terrorism, communalism, smuggling and other economic offences have added to his burdens Essentially, no development can take place unless peace and tranquillity are maintained. Regarding the powers of the Collector as a judicial magistrate, there has been serious corrosion in the authority of the District Magistrate. The Directive Principles of State Policy, as prescribed by Article 50 of the Constitution, separate the judiciary from the executive Due to this separation, the entire range of judicial proceedings, civil as will as criminal, is now the sole responsibility of the judiciary under the control of High Court of the State. The judges hear appeals against the magistracy, including the district magistrate. For all his standing and power and seeming glamour, a verdict or judgement by the district magistrate is in most cases appealable to the district judge. There we have the supremacy of law. The District Magistrate acts in many ways as an agent of the judiciary. The execution of writs of the civil and criminal courts, including criminal writs from courts outside the district, is normally done through the magisterial element of the district administration.

As Coordinator

Formerly, the District Collector used to be the coordinating agency in overall charge of every important official activity in the district. After independence, several departments were set up at the district level. Some of these are technical in nature and headed by specialists. Some such departments are public health, public works, agriculture, education and cooperation.

As Crisis Administrator

During emergencies, such as those caused by the natural calamities, floods, famines, cyclones, etc., or man-made crises such as riots, fires or external aggression, it is he who holds an umbrella over the district. Picture, for instance, a riot caused by communal disharmony. Crowds gather, temples and mosques are attacked and there are loot, murder and fire. It is for the Collector to see that the police contingent arrives on time, the fires brigades are called, searches carried out for arms, hospitals alerted and the panicky public put at ease. In case of a famine, he is the chief authority under the Famine code to undertake relief measures. Similarly, during floods he has to organize rescue operations, take steps to check epidemics, call for the army for help and supply food items. During external aggression, he is armed with several powers under the Defence of India Rules. The Collector enforces civil defence measures, is responsible for the protection of vital installations, prevents panic and performs a host of other crucial functions.

As Developmental Officer

The developmental role of the Collector is evidenced in his position as the ex-officio chairman of the District Rural Development Agency. This is a society registered under the Indian Societies Registration Act and is responsible for the implementation of rural development programmes. This society is a fusion of governmental authority and the flexibilities of an autonomous organization. Several types of schemes are implemented by the District Rural Development Agency under the broad framework of the Integrated Rural Development Programme. Firstly, there are the area-based scheme such as the Desert Development Programme and Drought Prone Area Programme. Secondly, there are individual beneficiary schemes. Some of them air at the benefit of the poorest of the Poor, some such as "Training and Rural Youth for Self Employment" (TRYSEM) and the "National Rural Employment Programmer" (NREP) aims at providing more employment to the rural youth. Some such "Development of Woman and Children in Rural Areas" (DWCRA) aim at the welfare of woman alone. Lastly, there are schemes such as the Samagra Gram Vikas Programme and various schemes for tribal development, which are a mixture of both Jawahar Rozhar Yojna and Swarna Swagam.

The role of the Collector at the district level in rural development has to be viewed in terms of his position in and relationship with the Zilla parishad. On the recommendations of the Balwantra Rai Mehta Committee in 1959, Panchayati Raj institutions were set up in almost all the states. The original scheme entails a three-tier administrative hierarchy consisting of the Zilla Parishads, Panchayat Samitis and Gram Panchayats. It suggested that the Collector be made the chairman of the Zilla Parishad. The contention behind this was that the Collector, by virtue of his eminent position and authority in the district, could guide and lead the Zilla Parishads in the task of development. Unfortunately, it did not notice any contradictions that would arise, if the Collector were to head an elective institutional set-up.

Miscellaneous Functions

A few other important functions of the Collector are given below in brief:

1. He functions as the District Census Officer responsible for the conduct of census operations once in 10 years.
2. He acts as the Chief Returning Officer for election to Parliamentary and State Legislative Assembly constituencies and coordinates the election work at the district level.
3. He acts as the official representative of the government during ceremonial functions in the district.
4. He handles the protocol work during the visits of dignitaries.
5. He supervised the working of the municipalities in the district.
6. He ensures that there is no shortage of essential commodities and food supplies.
7. He maintains regular contact with the military authorities in the district.
8. He makes training arrangements for the various categories of trainees/ probationers.
9. He complies and submits the annual administrative report of the district.
10. He deals with personnel matters of the district staff.
11. He undertakes regular tours of the district, sometimes in remote villages, meeting people, listening to their government and the people.

The saying that the "tent is mightier than the pen" was probably coined to impress

upon the Collector the need to mix with the common people and develop sympathy for their problems. It is emphasized today also.

District Rural Development Agencies:

The district administration should be decentralised for development. The zilla parishad should be strengthened and legitimised with rights, duties and funds, giving them the same status as is given to the district administration for revenue and law and order The functions related to development should never be mixed up with the regulatory functions of the law and order authorities. A whole development structure should be built from the district to the block and village and the existing development departments should function as the research and development wings of their specialization. The entire development administration must be integrated completely and no reverse pulls or disintegration be permitted. There could be Rural Development Service as prestigious as the Indian Administrative Service with the same incentives but with no snobbery that is associated with the omnipotent covenanted service today.

The creation of the separate Ministry for Rural Reconstruction in 1979 calls for a new vision and courage, because this fundamental administrative reform of separating development from the executive will meet tremendous opposition from the vested interests of the Indian Administrative Service, and if the native political leadership looks skeptical of administrators (of the IAS variety), the vision is bound to fail and the reform, greeted with contempt or connivance may, die with benign negligence Let the collector be liberated from development work and let the development work be liberated from the Collector.

The general criticism that the specialists of development cannot run development administration is biased. Let there be a selection for building a development cadre from both the specialist and generalalist ranks on the basis of merit and dedication and let there be training and persistent periodic retraining. The problem is to gigantic yet urgent that no sacrifice of the vested interest is too great for transforming the rural scene. These men and women, properly selected, trained and inducted, should then be encouraged, to fulfil their life mission as normal ascetics or patriotic worker of development cadre and not as abnormal ascetics having all duties and no rights or all powers and no stake as is the case of extremely professionally mobile men and women of the Indian Administrative Service. District Collector has multi 'various functions These functions make him a Chief of the District Administration.

Model Question :

Bringout the role of District Collector in the District Administration.

LESSON - 18

PANCHAYATI RAJ

India lives in its Villages. Unless villages reconstruct, improve and develop them, India will perish. Gandhiji said, "If India is not to perish, we have to begin with lower rung of ladder. If that was rotten, all work done at the top or at the intermediate rungs was bound to ultimately fall. In the approach to rural development, the city village antagonism becomes the over-riding issue-exploiting the villages itself is organized violence". Rabindra Nath Togore has echoed the same feelings when he said that the status of Mother India has been reduced to that of the maid servant, due to draining of resources form villages to cities. Gandhiji maintained that the blood of the villages is the cement with which the edifics of the cities is built. "I want this blood that is today inflating the arteries of the cities to run once again in the blood vessels of the village". His plea was for radical decentralization and liberation of the villages from exploitation. The village is the fundamental unit for the development of our country and the State, because the root has to be strong for growth of the tree.

"Grassroots democracy" based on small units of government, enables people to feel a sense of responsibility and to inculcate the values of democracy. At the same time, it also offers a unique opportunity to participate in public affairs, including developmental work. In a vast, diverse and complex sub-continent, decentralization is also a political administrative imperative. Self-governing rural local bodes are described in the Indian context as institutions of democratic decentralization or Panchayati Raj. This was considered a political and administrative innovation of far reaching importance when it was first introduced in 1959. It was depicted as a mechanism of popular participation. The Panchayati Raj bodies were expected to awaken political consciousness on the countryside and to engender a democratic process in rural India.

The Indian Planning Commission has entrusted the Panchayats with new responsibilities. The Panchayats are now the agencies for the execution of developmental plans and policies. The Panchayats new role in national development is made clear in the first, second and third five year of India.

Panchayats and the first five year plan

The first five-year plan stresses that the success of rural development largely

depends on an active unit in the village. This unit should represent the community as a whole. With government support, this agency could also effectively unite the people in common projects for villages welfare purpose, "the village Panchayat was to be the foundation of the entire administrative structure for national development.

The First Year Plan, therefore, visualized the village panchayats assuming responsibility for functions such as:

1 Framing programmes of production for the village

2. Framing budget requirements of supplies and finance for carrying out the programmes;

3. Acting as the channel through which government, assistance, other than assistance which is given through agencies like cooperatives, reaches the villages;

4. Securing minimum standards of cultivation to be observed in the village with a view to increasing production;

5. Bringing wasteland under cultivations;

6. Arranging for the cultivation of lands not cultivated or managed by the owners;

8. Assisting the implementation of reform measures in the village.

Under the Second Five year plan, the scope of panchayats was extended form of units of self-government, to units of development; and specific measures were recommended for building up active panchayats in order to secure the broad aims of:

1. comprehensive village planning taking into account the needs of the entire village community, in particular of the weaker sections like tenants, cultivators, landless workers and others;

2. bringing about a more just and integrated social structure in rural areas;

3. the development of a new type of leadership in the village society; and

4. completing the pattern of district administration envisaged in the community development programme.

At the beginning of the First Five Year Plan, according to information made available by the Planning Commission some 83,000 panchayats existed in Indian

villages. By the end of March 2000, their number rose to 2,25,832 covering more than half the villages of the country.

Panchayats and the third fiver year plan. The third five year plan that legislation for democratic decentralization (Panchayati Raj) at the village, block, and the district levels, has already been enacted in a number of states. Other states will also pass laws for democratic decentralization. The draft outline considers democratic decentralization as "a most significant step forward". It is regarded as the "fruition of a general approach" suggested in the first and second five year plans. The draft outline reports The National Development Council...... agreed that the foundation of any democratic structure had to be democrat in the village. The two institutions which made effective village democracy possible were the village panchayat and the village co-operative.

Major responsibility for development work implementation at the block levels is placed on the block panchayat samiti. This body works closely with the village panchayat and the zilla Parishad, the unit of the district level. Four criteria have been set for successful project through democratic decentralization at the district and block levels.

1 The way each Panchayat Samiti and Panchayat mobilizes focal manpower and other resources and elicits cooperation from people.

2. District administration's responsibility at all levels for making supplies and services available at the right time according to the accepted programmes and for prevention loss due to worse on misapplication of funds.

3. Panchayat Samitis and Panchayat should stress increased agricultural production.

4. Panchayat Samitis and Panchayats should emphasise measure to raise the standard of living of the under privileged sections to the level of better off groups in the area.

To fulfill the objective of the third plan, many states have evolved their own decentralization patterns suitable to local conditions.

It is apparent that in the past, there has not only been a tendency to increase the number of Panchayats, but also to confer upon them as many development functions as possible. But contrary to expectations, the record of their performances had not been appreciable in any state. The Taxation Enquiry Commission was of the

view that although the Panchayat Acts contained impressive lists of functions both obligatory and discretionary, yet very few of them had ritually been translated into practice. The programme Evaluation Organisation admitted that in most of the evaluation centres the panchayats role in developmental activities was negligible; in few cases they made cast contributions to projects in their villages. The Mehta Committee also found that response of Panchayats to the community development and National Extension service was not appreciable. These observations were later confirmed by the fifth report of the programme Evaluation Organization in 1957 based on the survey of Panchayats in almost all states. The report maintained that "additional responsibility, specially for development works, should not be imposed on the panchayats atleast for some time to come.

There were many observer who deputed whether in the existing evaluation the panchayat was the type of institution best suited for the development and promotion of productive, distributive and other essential socio-economic activities in the rural areas, as district from specific projects of development such as roads and minor irrigation tanks It was realized later that rural economic development through the existing village panchayats was attempted in vain. It was still discouraging to note although the inauguration of the blocks placed funds specially for the amenities programme at the disposal of the panchayats, even then they could not attend to even the most elementary civic amenities programmes. Their role in economic development remained quite negligible.

Panchayat has Problems and Prospects:

Two of the main problems faced by Panchayati Raj are factionalism and inadequate finances. It is claimed that one major obstacle faced by Indian villages is the prevalence of factions within the panchayat. Besides factionalism, inadequate finance is another pressing problem. The money raised panchayats through grants-in-aid, taxation, and voluntary contribution is still insufficient in view of the wide sphere of activities of the Panchayat.

The future of the panchayat system, however, is not altogether hopeless. The future of the Panchayat, therefore, as effective agencies too planned change, rests partly on the villagers sense of community. In addition to this, government co-ordinated assistance financial, technical and administrative and a more homogeneous villages leadership that disregards barrier of cause, creed and religion, can perhaps go a long way towards making the panchayat an effective agent of cultural change.

Community Development Programme

The Community Development Programme was inaugurated on October 2, 1952. Fifty-five community projects were launched. Each project are comprised of about 300 villages, covering an area of 450 to 500 sq. miles, i.e., about 1,50,000 acres with a population of about 2,00,000 persons. A project area was divided into three Development Blocks of hundred villages, each with a population of about 65,000 persons. Each block was divided into about twenty groups, each containing five villages. Each groups of villages was being served by a Gram Sevak (the village level worker). Of the five villages, one generally became the headquarters of the Gram-Sevak. The programme launched in 1952 was extended to wider area at the end of the First Five Year Plan. 603 National Extension Service Blocks, and 533 Community Development Blocks. Covering 1,57,000 villages and a population persons were created. Nearly one out of every three villages in India was brought within the orbit of this programme

The basic premise on which Community Development Programme rests is to motivate the rural people to undertake self-reliantly community based approach to improvement of economic and social condition of their life and environment The government is expected to provide general guidance and technical cum financial assistance for reinforcing the community promoted programmes of activities as need be A new basic administrative unit below the district level, named as development block, was created in an increasingly number to cover most parts of the country. At the village level Panchayats were given responsibility for motivating rural community based developmental schemes under these programmes. District Board, how ever, were hardly given any substantive role in the implementation of these programmes.

During the first three years after the inception of Community Development Programme there was an increasing interest and even enthusiasm among the government departments and several sections of rural people in local planning and co-ordinated implementation of development sections under it But this enthusiasm was short lived and began to peter out in course of time Often programmes began to get increasingly bureaucratised, elite dominated and excessively politicised. Corruption, malpractices, favouritism and excessively politicised Corruption, malpractices, favouritism and wastage of funds began to mar its efficiency and its public image. But it did however succeed to an extend in promoting developmental psyche and also developmental activity of growing scope among several sections of rural people, in an increasing number of villages.

Balwantra Rai Mehta Committee:

The National Development Council appointed a study team in 1956 under the Chairmanship of Shri Balwantra Rai Mehta, to review critically the Community Development Projects and National Extension service and suggest measures needed for effecting economy and improving efficiency in their implementation, the team was also asked to examine; the extent to which Community Development has succeeded in utilising local initiatives and in reading institutions to ensure continuity in the process of improving economic and social conditions in rural areas.

The team found that one of the least successful attempts of Community Development and National Extension Services work is its attempt to evoke popular initiative The Team therefore suggested that the concept of democratic decentralisation should form the basis for the planning and implementation of the Community Development Programmes with which National Extension Services should be merged.

The term of reference of the team were;

(i) The content of the programme and priorities assigned to different fields or activity within it;

(ii) The arrangements for the execution of the programme with special references to.

a) Intensification of activities in the sphere of agricultural production.

b) Co-ordination between.

1. the different ministries/departments at the centre;
2. the centre and the states; and
3. the different agencies, within the communist projects administrations and other state government organisations and department.
4. the organisational structure and methods of work with a view to securing a greater speed in the dispatch of business;

(iii) the assessment of the requirements of personnel for Community Projects and National Extension Service and examination of existing training facilities, in order to need the growing requirements of personnel for extending the coverage of the programme.

(iv) the assessment of the extent to which the movement has succeeded in utilising local initiative and in creating institutions to ensure continuity in the process of improving economic and social conditions in rural areas.

(v) the methods adopted for reporting upon the results attained by the community projects and National Extension Service.

(vi) any other recommendation that the team may like to make in order to ensure economy and efficiency in the working of the community projects and the National Extension Service.

This team, popularly known as Balwantra Rai Committee, submitted its reports on November 24, 1957.

The main features of the recommendations of the Team were establishment of the three tier Panchayati Raj System, village panchayat, panchayat samiti, and zilla parishad, demarcation of functions of the village panchayat and Panchayat Samiti assignment of services of income to the Panchayat Samiti and Village Panchayat, setting up of a permanent cadre of trained personnel for running the Panchayati system. The main thrust of recommendations was to decentralise power and to make the Panchayat Samiti which would be co-extensive with the Development Block, the pivot of all developmental activities.

The most important of the recommendations of the Team was termed "democratic decentralisation". The Team was of the definite opinion that the time had arrived in India when the Government of India and the State Governments must repose greater faith and trust in the people for their own welfare They suggested that the basic unit of democratic decentralisation should be located at the block/samiti level. The Team envisaged directly elected panchayats for every village as a group of village, an executive body called Panchayat Samiti for a block with directly elected and co-opted members and an advisory body called Zilla Parishad at the district level constituted indirectly, main through ex-officio members from lower ties and others with the collection as Chairman The National Development Council (NDC) accepted the recommendations of a three tier system of democratic decentralisation for development administration.

Following the lines of this recommendations, the states have been left free to try out varying ways to effecting democratic decentralisation subject to their adhering to the basic pattern of an organically linked up three-tier local self-governing bodies from the village to the district.

All states and Union Territories have enacted law for the establishment of Panchayati Raj Institution except the states of union territory of Lakshadweep. A three-tier system has been adopted in 12 states and one and two union Territories. There is only another of Gram Panchayat in 4 states and 4 Union Territories.

Allocation of Functions:

It is necessary to examine the function which the team had allotted to the Panchayati Raj bodies from the point of efficiency of administration as well as promotion of self-government and democratic decentralization the team recommendation that "all the functions concerning a village within the jurisdiction of a village Panchayat should be responsibility of the village panchayat except for the functions involving similar interest of more than one village panchayat, these should be responsibility of the Panchayat Samiti. The teams recommendations that upto 10 percent of the panchayat samiti's seats might be filled by the representatives of the co-operatives functioning within the block.

The bold experiment of democrat decentralisation of power has not proved to be a success due to many debilitating factors political, financial, functional and administrative. When the basic promise of Panchayati Raj Institutions as units of self-government was lost, these institution also but their capability to fulfill the promise of developments. The matter was reviewed again at the centre by the Ashok Mehta Committee in 1977-78 where is discussed next.

Ashok Mehta Committee's Recommendations:-

The Second most important committee was set up in 1977 at the centre. The appointment of the Ashok Mehta Committee in 1977 marked a turning point in the concepts and practice of Panchayati Raj. The Ashok Mehta Committee was set up to enquire into the working of the Panchayati Raj Institutions, and to suggest that so as to enable a decentralised system of planning and development to the effective. The Committee's report (1978) is a remind document which rack to make panchayat an organic, integrated past of our democratic process. The Panchayat Raj Institutions, which came into begin in certain states often the Ashok Mehta Committee's recommendations could be considered the second generation panchayati.

The Committee's main recommendations were:-

a. more genuine, and effective devolution of powers to Panchayati Raj should take place:

b. primary unit in Panchayati Raj System should be Zilla Parishad and not 'the Panchayat Samiti, as the Parishad has better leadership and resources (administrative and financial) to play a substantial development role;

c. the Mandal Panchayat with appropriate powers and resources and covering a smaller area than development block and larger one than village panchayat should replace the Panchayat samiti and the Panchayat as it would be more effective in management of development resources,

d. administrative wing of Zilla Parishad in particular and also that of Mandal Panchayat should be suitably stopped and appropriately led by will qualified senior civil servants;

e. below the Mandal Panchayat there should be village committee including substantially weaker section of people, to perform functions allocated it by the Mandal Panchayat;

f. in order to bring appropriate coordination between rural development and urban development, municipal bodies should here representation in Zilla Parishad and Mandal Panchayat;

g. Political parties should take part in elections to Panchayati Raj and participate in its working as this would emerges it and make it more coherent in working and;

h. for improving the capabilities and reorienting the attitudes of people's representatives as well as of bureaucracy within Panchayati Raj a massive programme and training be set up in place of the existing limited one.

The recommendations of the committee were not accepted by the union government. A few states, some years later (1983-85) Karnataka and Andhra Pradesh rendered their respective Panchayati Raj system under this influence, by and large.

G.V.K. Rao Committee:

A committee to review the existing administrative arrangements for Rural Development and poverty (CAARD) was constituted on 25th March, 1985 under the Chairmanship of Dr.G.V.K Rao, Ex-member, Planning Commission, to review the existing administrative arrangement for rural development and poverty alleviation programmes and to recommend an appropriate structural mechanism to ensure that they are planned in an integrated manner and effectively implemented.

This Committees important recommendations relating to Panchayati Raj are as follows:

1. Panchayati Raj Institutions (PRIs) have to be activised and given all the needed support so that can become effective organisations for handling people's problems, elections to these bodies should be held regularly.

2. The district should be the basic unit for policy planning and programme implementation. The Zilla Parishad should, therefore, become the principal body for the management of all development programmes which can be handled it that level.

3. The President of the Zilla Parishad can be directly elected for a term coterminous with the Zilla parishad, or for one year each on the Mayoral pattern. The work of the Zilla Parishad should be done by a number of sub-committees, elected on the basis of proportional representation so that participative democracy could be developed and encouraged.

4. Panchayati Raj Institution at the district level and below should be assigned an important role in respect of planning, implementation and monitoring of rural decentralised planning.

5. Some of the Planning functions at the state level may have to be transferred to the district level for effective decentralised planning.

6. In this connection, the committee recommends the introduction of the concept of district budget. It is desirable that it is brought into being a quickly as possible.

7. The district plan should include all the resources available, both in the plan and non-plan as institutional resources.

8. It is necessary for the banking institutions, including the cooperatives, to ensure that the credit requirements of the rural poor are adequately met. Such facilities should also cover the legitimate consumption credit requirements of the poor.

9. The process of economic development itself should be designed so as to reduce poverty. The implementation of land reforms has to be done with greater vigour so as to ultimately ensure that the land goes to the tiller.

10. The Committee recommends that a very senior officer of the rank a Chief Secretary designated as Development Commissioner be in charge of development administration at the state level.

11. The Committee is of the view that development administration at the district level has to be treated as a major activity involving significant responsibilities.

12. The Committee, therefore, recommends that a post of District Development Commissioner (DDC) be created to look after and coordinate all the developmental activities in the district.

13. The Committee recommends that the Block Development office should be the sheet anchor of the entire rural development process. For this purpose, the status of this office should be upgraded.

14. There should be a Gram Sabha for each village consisting of all voters of the villages. There should meet as often necessary but the internal between any two consecutive meetings should not be more than 6 months. The meeting should be provided over by the Chairman or in his absence, the Vice-Chairman of the gram panchayat at the mandal panchayat, as the case may be in identification of beneficiaries under poverty alleviation programmes like IRDP, MREP RLEGP etc., should be done in gram sabha meetings. The panchayat should place before the grama sabha a report on development programmes taken up for the village during the previous year and proposals for the current year for the consideration. The gram sabha can give proposals for new programmes also help in organising various activities in the village. The recommendations of the gram sabha should be given due consideration by the gram/mandal panchayat, panchayat samiti and zilla parishad.

The panchayat samiti and the gram/mandal panchayat should have a sub-committee, consisting mainly of women members, for considering and implementing programmes and scheme for the welfare of woman and children, including about education.

73rd Constitutional Amendment Act and Its Implications.

It has been widely recognised by the Govt. Public leaders, intelligentsia that the Panchayati Raj Institution have not been able to "acquire the status and dignity of viable and responsive people's bodies. The main reasons mentioned by the Govt.

and others for this are "absence of regular elections, prolonged supersessions insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources.

The Union government, therefore has stated recently the imperative need to "enshrine in the constitution certain basic and essential features of the Panchayati Raj Institution to impart certainly, continuity and strength to them.

For this purpose, the 73rd Constitutional Amendment Act, 1992 has been passed by the Union Parliament. In the Constitution, Part IX and schedule XI have been inserted to contain certain provisions for the Panchayats from the village, the sub-division and district level. These provisions are summarised here.

1 Panchayats will be institutions of self-government.

2. There will be a gram sabha for each village or group of villages comprising all the adult members registered as voters in the Panchayat area.

3. There shall be a three-tier system of Panchayats at village, intermediate block / taluk and district levels. Smaller states with population below 20 lakhs will have the opinion not to have an intermediate level panchayat.

4. Seats in Panchayats at all three levels shall be filled by direct election.

5 Members of Parliament, Members of Legislative Assembly and Members of Legislative Council could also be members of Panchayat at the intermediate or the district level.

6 In all the Panchayats, seats would be reserved for Scheduled Castes and Scheduled Tribes in proportion to their population offices of the Chairpersons of the Panchayats at all levels shall be reserved in favour of Scheduled Castes and Scheduled Tribes proportion to their population in the state.

7. On third of the number of seats will be reserved for women. One third of the seats reserved for Scheduled Castes and Scheduled Tribes will also be reserved for woman. One-third offices of Chairpersons of panchayats at all levels shall also be reserved for women.

. State legislatures have the likely to provide reservation of seats and offices of Chair persons in Panchayats in favour of backward classes.

9. Every Panchayat shall have a uniform five year term and elections to constitute new bodies shall be completed before the expiry of the term. In the event of dissolution, elections will be compulsorily held within six months. The reconstituted panchayat will serve for the remaining period of the five year term.

10 It will not be possible to dissolve the existing panchayat by amending any Act before the expiry of direction.

11. A persons who is disqualified under law for election to the legislature of the state or under any law of the state will not be entitled to become a member of panchayats.

12. An independent Election Commission will be established in the state for superintendence, direction and context of the electoral process and preparation of electoral rolls.

13. Specific responsibilities will be entrusted to panchayats to prepare plans for economic development and social justice in respect of 29 subjects listed in the relevant schedule. The 74th Amendment provide for a District Planning Committee to consolidate the plan prepared by the panchayats and municipalities.

14. The Panchayats will receive adequate funds for carrying out their functions. Grants from state Government, will constitute on important source of funding but state governments are also expected to assign the revenue of certain taxes, to the panchayat. In some cases, the panchayat will also be permitted to collect and certain the revenue it raises.

15. In each state a Finance Commission will be established to determine the principle on the basis of which adequate financial resources would be ensured for panchayats.

Structure of Panchayati Raj Institutions

The Present structure of Panchayati Raj in most of the states based on the 73rd Constitution Amendment which among other things, stipulates a three tier organization besides provision of Gram Sabha at the village level.

Gram Sabha

It is to be constituted in a village or a group of continuous villages with a

population of not less than two hundred. Any person registered as a voter on the electoral roll is entitled to be member of the Gram Sabha. Two meetings of the Gram Sabha. one in the month of December and the other in the month of June are required to be held twice in a year. In order to ensure regular meetings, if two consecutive general meetings of the Gram Sabha are not held, the President automatically ceases to hold office unless proper explanation is given by him within a period of thirty days. The meetings of the Gram Sabha is to be presided over by the President and in his absence by the member elected at the time of the meeting. The quorum of the meeting has been fixed on one-fifth of the total number of its members. In Tamil Nadu, four meetings must be conducted.

Functions

A Gram Sabha is required to perform the following functions: i) To approve annual budget and plan of development of the area and review annual statement of accounts and progress report; ii) to render assistance in the implementation of development schemes pertaining to the village; iii) to identify beneficiaries for the implementation of development schemes pertaining to the village; iv) to mobilize voluntary labour and contributions in kind or cash or both for the community welfare programmes; v) to promote adult education and family welfare activities within the village; vi) to promote unity and harmony among all sections of the society in the villages, and vii) to seek clarifications from President and Member of the Gram Panchayat about any particular activity, scheme, income and expenditure.

Gram Panchayat / Village Panchayat

Every Gram Sabha elects, from amongst its members, a Gram Sabha area consisting of a President and 5 to 13 Members depending upon its population. While the election of the President is held on normal course, provision for reservation for the scheduled castes on rotation basis has been made, keeping in view the proportion of their population to the total number of offices of Presidents in the district as a whole. It also includes reservations of one-third offices of President for women belonging of Scheduled Castes, Further, one-third of the total number of offices of Presidents in the district have been reserved for women by rotation which also includes the seats already for women belonging to Scheduled Castes No reservation has been made specifically for post of President from backward classes.

The offices of Members are reserved for the Scheduled Caste in such a way that the number of post reserved for Scheduled Castes is to be in the same proportion of the total number of offices in that Gram Panchayat as the population of the

Scheduled Castes to the total population in the Gram Sabha area. It also includes one-third of the post of the Members reserved for women belonging to Scheduled Caste category Further, not less than one third of the total number of posts in every Panchayat have been reserved for women. This, however, includes one third seats already reserved for Scheduled Caste women. Provision has also been made for the reservation of one member from among the backward classes where their population is more than 20 per cent in the total population of the Gram Sabha area. The tenure of a Gram Panchayat is for a period of five years from the date of its first meeting.

Alongwith this Standing Committee are to be constituted for every Gram Panchayat Each Committee will consist of not less than three and not more than five members, including the President. The President is the ex-officio member and Chairman of the Standing Committee. The Social Justice Committee, however, consists of a woman member and one member belonging to the Scheduled Castes and Backward Classes.

Resources of Gram Panchayat

The main resources of Gram Panchayat are tax on lands and buildings within local limits, tax on profession, trades, callings and employment other than agriculture; duty in the shape of an additional stamp duty on all payments for admission to any entertainment, surcharge on stamp duty on all transfers of property In addition to this, the other resources are free on the registration of vehicles; fee for providing sanitary arrangements at places of worship or pilgrimage, fairs and melas within the jurisdiction of a Panchayat, water rate where arrangement for the supply of water for drinking, irrigation or any other purposes is made by the Gram Panchayat within its jurisdiction; lighting rate where arrangement for lighting of public streets and places is made by the Gram Panchayat within its jurisdiction.

Panchayat Samiti / Panchayat Union

A Panchayat Samiti consists of following members:

(i) Seven to ten directly elected members from territorial constituency in the Panchayat Samiti area,

(ii) Directly elected representative of the Presidents by them from amongst the Presidents in the Panchayat Samiti area; the ratio of the representatives of the Serpanches and that of the directly elected members has been kept to sixty: forty.

(iii) Member of the Legislative Assembly major portion of whose constituency falls in the Panchayat Samiti area;

(iv) Members of the Legislative Council who are registered electors within the Panchayat samiti area.

All members of the Panchayat Samiti whether or not elected directly from territorial constituencies in the Panchayat Samiti are entitled to vote in its meetings. The directly elected members to a Panchayat Samiti consist of 6-10 members depending upon the population of each Panchayat Samiti. Generally the population of each territorial constituency is required to be the same in the entire Panchayat Samiti area.

Seats have been reserved for Scheduled Castes and Backward Classes Thus in every Panchayat Samiti, the number of seats reserved for Scheduled Castes shall be in proportion to the total number of seats to be filled by directly election in that Panchayat Samiti as the population of the Scheduled Castes in that Panchayat Samiti area bears to the total population of the Panchayat samiti area The allotment of the seats will, however, be by rotation to different constituencies in a Panchayat Samiti. Not less than on-third seats (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in a Panchayat Samiti have been reserved for women. In order to ensure adequate representation, the seats are to be allotted by rotation to different constituencies in a Panchayat Samiti area. In a Panchayat Samiti in which the population of Backward classes is not less than twenty per cent of the total population, one seat has been reserved for the backward classes.

The term of a Panchayat Samiti is for a period of five years from the date of its first meeting. The election to constitute a Panchayat Samiti has to be completed before the expiry of its term. In case of its dissolution before the expiry of its term, fresh elections are to be held within a period of six months from the dissolution. The Chairman and vice-chairman are elected from amongst the elected members in the first meetings of the Samiti. Provision has been made for reservation of seats for those posts from the Scheduled Castes categories in proportion to their population in the district. In the case of women, the seats have been restricted to one third of their population.

In addition to this, Standing Committees are to be constituted. Each committee consisting not more than six members including the Chairman of the Panchayat Samiti elected by the members of the Panchayat Samiti from amongst the elected members.

The chairman of the Panchayat Samiti is to be the ex-officio member of each of the Standing Committees. He/she will also be the Chairman of General Committee, Finance Committee, Audit Committee and Planning Committee. The vice-Chairman is to be the ex-officio member and Chairman of the Social Justice Committee. No elected member other than the Chairman is eligible to serve more than one Standing Committee The Executive Officer has been designated as the ex-officio Secretary of all the Standing Committee.

Resources of Panchayat Samiti

A Panchayat Samiti may levy taxes, duties, cess and fees in accordance with the general direction and control of the State Government and with prior approval of the Zilla Parishad. It can levy tolls on persons, vehicles or animals at any tool bar established by it on any road other than a Kutcha road or any bridge vested in or under its management; levy tolls in respect of any ferry established by it or under its management, levy a fees on the registration of vehicles other than those registered under the Motor Vehicle Act; a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government, a fee for licence for a market, a fee for any other license, a water rate, where arrangement for the supply of water for drinking or irrigation or any other purpose is made by the Panchayat Samiti within its jurisdiction and a lighting rate where arrangement for lighting of public streets and places is made by the panchayat Samiti within its jurisdiction.

Zilla Parishad / District Panchayat

A Zilla Parishad consists of

(i) A minimum of 10 and maximum 25 members depending upon the population of each Zilla Parishad Members directly elected from territorial constituencies in the district.

(ii) Members of the House of the People and Members of the Legislative Assembly representing a part or whole of the district; and

(iii) Chairman of all Panchayat Samiti within the district;

(iv) Members of the Council of States and the Members of the Legislative Council, if any, who are registered as electors within the district.

All members whether elected or not from territorial constituencies in the Zilla Parishad area have the right to vote in the meetings of the Zilla Parishad. Seats

have been reserved for the Scheduled Castes and the Backward Classes. The number of reserved seats will be in proportion to total number of seats to be filled by direct election in a Zilla parishad area to the total population of that area. These seats, if necessary, can be allotted by rotation to different constituencies in a Zilla parishad. Not less than one-third of the seats which have been reserved for Scheduled Castes will be reserved for woman belonging to Scheduled Castes.

One-third seats (including the seats reserved for Scheduled Caste Women) have been reserved for woman and by rotation One seat shall be reserved for Backward Classes in a Zilla Parishad wherein the Population of backward classes is not less than 20 per cent of the total population in a district. Every Zilla Parishad shall continue for a period of five years from the date appointed for the first meeting. Reservation for the officers of Chairman and Vice-Chairman for SCs and Women has also been provided.

Standing Committee at this level will also be constituted. Each Committee will consist of members not exceeding five including the Chairman. It will be elected by the members of Zilla Parishad for amongst themselves. The Chairman Zilla Parishad shall be the Chairman the first three Standing Committees whereas Chairman of the remaining committees are elected by its members. No member of the Zilla Parishad other than the Chairman can serve more than two Standing Committees. The Chief Executive Officer of Zilla Parishad is entitled to attend the meetings of all the Standing Committees.

Resources of Zilla Parishad

The State government on the recommendation of the State Finance Commission may allow a Zilla Parishad to levy any tax, duty, fee toll and cess which has not been levied by any Gram Panchayat or Panchayat Samiti. Accordingly, the Zilla Parishad have been given the powers to impose, collect and appropriate to its fund such tax, toll, duty, cases or fee.

Functions of Panchayati Raj Institutions

The Panchayati Raj Institutions performs a host of functions which can broadly be categorized as civic and developmental functions of the first tier, i.e., Gram Panchayat / Village Panchayat They include sanitation, conservancy, water supply, construction and maintenance of roads, lighting, eduction, cultural and social welfare.

Most of the developmental activities like family planning, training of gram sevikas, promotion of child and women welfare, planning for increased employment agriculture

production, rural housing, fisheries, maintenance of community assets, public distribution system, co-operation, libraries etc. are entrusted to the middle tier, i.e. Panchayat Samiti/Mandal Praja Parishad / Janapada Panchayats.

In most of the states, the Zilla Parishads/District Development Councils/Zilla Praja Parishads are entrusted with coordinating and planning function along with a few executive functions.

Reasons for Ineffectiveness of Panchayati Raj Institutions

Like community development, Panchayati Raj also raised a lot of expectations about the role it could pay in transforming the rural society. However, in reality it could not achieve the desired success that was anticipate at the time of its launching. There has been erosion to a great extent in the powers and functions of these institutions in many states. They suffered from lack to adequate finance in most of the states in respects of transferred schemes and programmes These institutions also did not take any initiative at their own level to raise their resources at the local level. The main reasons for their ineffectiveness can be summarized as follows.

1 State governments are reluctant to part with powers through democratic decentralization

2. The attitude of political leaders at the higher levels has been lukewarm towards strangulating Panchayati Raj Institutions as a vigorous decentralized entity.

3 Political, village and caste factionalism has developed and diluted the development work Traditional leadership surrounded by caste and landownership did not give place to functional leadership.

4. There has been little enthusiasm among Members of Parliament, Members of Legislative Assembly and others towards Panchayati Raj as they themselves perceived threat to their leadership in the emerging Panchayati Raj.

5. Schematic budgeting and rigid administrative set-up allowed little scope.

6. All development activities and programmes required to be implemented by the Panchayati Raj Institutions, lost ground and in practice were taken out of their purview and implemented directly by State Governments in some pretext or the other.

7 Majority of the staff functioning in the Panchayati Raj Institutions is not committed to the Philosophy of Panchayati Raj.

8. Most of the staff of Panchayati Raj Institutions was down from the regular cadre of various departments of the State Government. They did not possess the requisite skills, orientation and attitude required for providing popular participation in the new set up of Panchayati Raj. The extension offices who worked under the dual control of the parent department and the Blocks Development Officer and the elected representatives, could not locate their proper place in the system and worked as long as they could not get a transfer to their parent department.

9. The bureaucrats transferred to Panchayati Raj Institutions were not suited to undertake different development tasks. They were mainly trained to deal with law and order problems and were reluctant to take order from the elected representatives of the people.

10. Little attention has been given by the government to panchayati Raj Institutions.

11. The funds given to them were considerely inadequate and they were badly hit by financial stringency.

12. These institutions have been dominated by economically and socially privileged sections of society.

13. Corruption, inefficiency, little regard for procedure, political loyalties, questionable exercise of powers and motivated sections have seriously limited the utility of Panchayati Raj to average villager.

14 The welfare and needs of the weaker sections have not been given due attention by the Panchayati Raj Institutions despite vocal assurances.

15. Bureaucracy did not shed its elitist approach to become rural oriented. Between the misgoverning officials, and non governing non-official public interest became a casualty.

16 Narrow considerations of departmental loyalties got the better of a spirit of team work under 'one roof' of the Block Development Officer.

17 Elections to Panchayati Raj Institutions in many States have not been held regularly and have been put off many times on one pretext or the other.

18. There was lack of clarify in regard to concept of Panchayati Raj and its role. Some treated it as an administrative agency; others as an extension of democracy at the grass-root level, and still others as a charter or rural local government.

ıchievements

Though Panchayati Raj Institutions are lacking in some of the assigned tasks, yet they have made considerable achievements in different fields. Major achievements of the Panchayat Raj Institutions are as under:

1. For the first time, it has provided organizational infrastructure at the local level throughout the country which has set in motion different rural development programmes.

2. Generated anew leadership which is relatively young in age.

3. Provided a link between the people and the officials at the local level.

4. Raised the expectations of the rural people and emphasised the developmental role of the administrators.

5 Helped in building the necessary physical infrastructure essential for the all-round development of villages.

6. Made the average citizen more conscious of his rights and responsibilities and helped in raising the political consciousness of the people.

7. Has increased transparency and villagers can see now more clearly what is being done and by whom and why.

8. The diversion of funds through corruption has decreased to some extent.

9. The actual delivery of services to the public increased and improved considerably.

Conclusion

The 73rd Amendment Act 1992 has the noble intention of bringing power to the common people. It provides for decentralized administration through local self-governing Panchayati Raj Institutions at the district, block and village levels. It provides a platform for direct participation of the people themselves in the Gram Sabha. In rural areas, people in general are unaware of the kind of developmental activities

undertaken at Panchayat level. The functionaries of Gram Panchayat should maintain transparency and make villagers aware of the developmental work. The panchayat should have also sufficient control and supervision over the government servants. In addition to this, judicial, financial and legal powers should also be given to them. The financial accounts and use of funds should be made available for information to women members who have a meaningful say in the decision making regarding allocation of funds. This will makes the role of women more effective.

All this indicates that Panchayati Raj Institutions seeks to ensure self-governance through direct representatives. It has transformed representatives into participating democracy, which means transition of political power to the grass-root level in the country. It encourages people to participate in the developmental activities and bring a meaningful socio-economic change. The proper implementation of Panchayati Raj Institution in India will fulfil the dreams of Mahatma Gandhi who was of the view that the rule of the poor will come some day.

Model Question :

Analyse the impact of 73rd Amendment of the Constitution on Panchayati Raj.

LESSON - 19

THE OMBUDSMAN SYSTEM

Corruption has always existed in human society. Even Kautilya refers to the various form of corruption. After the entry of the Britishers in India, corruption increased During the second world war corruption increased to the core. With the dawn of independence, the functions of government has increased. This paved the way for more corrupt practices.

Meaning of Corruption:

"Corruption is a deliberate and intentional exploitation of one's position status or resources directly or indirectly for personnel aggrandisement whether it be in terms of material gain or enhancement of power, prestige or influence beyond what is legitimate or sanctioned by commonly accepted norms to the detriment of the interests of other persons or the community as a whole". The Indian Penal code also defines corruption. It also says that "whoever being or expecting to be a public servant accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification whatever other than legal are as a motive or reward for doing for bearing to do any official act or for showing or to show in the exercise of his official function favour or disfavour to any person or for rendering or attempting to render any services or disservice to any person with the control or any state government or Parliament or Legislature of any state or with any public servant as such shall be punished with imprisonment of either description for a term which may extend to three years or with fire or with both". To put it simply extravagant expenditure of public money, providing employment to relatives, favouritism and nepotism, accepting speed money for official work is called corruption.

Causes of corruption

Dr. Radhakrishnan once said "Corruption was an evil which has to be faught on all fronts at all levels" In all modern democracies corruption has become a malady. There are number of causes for the rapid spread of corruption The causes are historical, economical, sociological, political, procedural, and environmental. Apart from all these there are special causes also.

Corruption has a colonial past. The scarcity of second world war resulted in the spread of bribery and corruption among public servants. The black money started playing a major level.

Economically analysing the salaries paid to the public servants are inadequate. Because there was there ever increasing prices of essential commodities. Even increasing cost of living index is another cause of corruption. The public did not like their children to suffer in poverty. They wish to utilise the black money or speed money available. Sociologically speaking the posh life of other in the society, makes the public servants to earn money somehow or other, even through corrupt practices. The public servant gain status through corruption. The defective procedural systems and poor anti-corruption are some reasons for corruption. Rich business uses the back entry of corruption for achieving their ends in the organisation. Red Tapism is also an important cause of corruption. The fast change in the society, from rural to urban and growth of industrialisation has affected the importance of values and ethics. The public servants amass wealth and wish to have enough material collections. They accept the speed money given to them without realising the moral factors. The political corruption has reached its zenith after the development of democracy. There are special causes also for corruption . The Commercial class, constitute a major stumbling block for the purification of public life. For their commercial purpose, these business magnates adopt all corrupt ways.

According to the law of our land both the giver and receiver are held guilty. So it is very difficult to produce evidence against the guilty. And also there are security measures to protect the public servants, even if he is caught in the corruption. A charge in the environment of the society, increase in morality and ethics, awareness about corruption and so on will put an end to corruption. A conscious effort must be taken the public to put an end to corruption. It is applicable to both the giver and receiver. Legally punishment must be given very severely. But these remedies can hardly cure the defect of corruption. Ofcourse, they can be used as short term solutions.

Altitudes must undergo a change among the people. Value of life must change. Value of private property should case to be the symbol of status and power. There must be equitable distribution of wealth and also justice and fairness. There must be a social change in the altitude towards money. Particularly corruption at political level must be rooted out. It is the root cause of corruption at different levels. Red Tapism must be totally eradicated which is the root cause of corruption.

Public Grievances-redressal

Welfare state is the concept of modern democracies. Welfare of all is the major

factor. So the role of the government, for development has become necessity and important. This expanded the power and authority of civil servants. Bureaucracy's discretionaly power has increased. Their administrative power has increased. The power enjoyed by them make them mistake the office. It opens the scope for harassment mal-practices, mal-administration and corruption This is the citizens grievance against administration. The Chamber Dictionary defines grievances "as a ground of complaint a condition felt to be oppressive or wrongful". A democracy can not be successful unless the people's grievances are redressed.

Ombudsman

Ombudsman institution was first created in Scandinavian countries for the redressal of Public Grievances. This was a unique creation. It was an all organisation. This will deal with complaints on administrative actions. Ombudsman's office dates back to 1809, when it was created in Sweden. The term "Ombud" is a Swedish term. This refers to a person who acts as the spokesman of another person. Donald C Rowat defines Ombudsman "as an officer appointed by the legislature to handle complaints against administrative and judicial action".

Later from Sweden, this institution was spread to Finland, Denmark, and Norway. Among the Commonwealth countries New Zealand was the first country to adopt the office of Ombudsman, that too in the year 1962. In the United Kingdom the institution of Parliamentary Commissioner was created in 1967. Parliamentary Commissioner is another term for Ombudsman. Slowly this office spread to other world countries. In India this office is called as Lok Pal and Lokayukta

Among the factors that have promoted the institution of ombudsman are: expansion of government activities, enhancement of discretionary powers to public officials, delegated legislation, increase of citizens' aspirations from governments, need for protection of individual rights against the abuse of power by the state, ineffectiveness of legislative control over the executive, heavy burden and dilatoriness of judicial courts, scarcity of administrative courts and the increasing evils of corruption and mal-administration. There is thus need for an effective and independent mechanism than can ensure people's faith in the governance system's objectivity and protect civil servants from arbitrary insinuations against them. An effective Ombudsman system can also help in bringing about procedural reforms in administration through its constructive recommendations to improve administrative effectiveness.

The Administration Courts

This was another device for the redressal of citizen's grievances. This was the French pattern of Administrative Courts. This system also spread to European Countries and African Countries like Belgium, Greece, and Turkey.

The Procurator system

This Procurator system was in the Socialist countries like USSR, China, Poland, Hungary, Czechoslovakia and Romania. The Procurator system was also an institutional device of redressal of public grievances Let us analysis the main machinery in India to put an end to this administrative lapses.

Central Bureau of Investigation

In the year 196‑ ‑BI was created by the Ministry of Home-affairs. At present it functions under the Ministry of personnel. It has the states of attached office. The special Police establishment is attached with this CBI.

CBI plays the role of main investigating agency of the central government, in preventing corruption The Central Vigilance Commission is assisted by CBI.

Functions of CBI

The complaints of corruption bribery, misconduct and so on of the central government employees are investigated by CBI Infringement of economic laws or breach of laws like export and import, customs, central excise, income-tax, foreign exchange and so on. CBI further investigates crimes committed by professional criminals It may be national or international Further it co-ordinates the activities of anti-corruption agencies. Any cause will be taken on a request by State government

Santhanam Committee Report

Santhanam Committee was appointed for the prevention of Corruption, in the year 1962 K Santhanam was the chairman of the commission ‑he other members are four M Ps and two senior officers It examines the corruption in the government departments. But the political corruption was beyond its reach or terms of reference. The committee submitted its report in this year 1964 Santhanam said that the discretionary powers of Bureaucrats increased the mal-practices and corruption Out of 137 recommendations 106 were accepted by the government

Recommendations of the committee :

1) To simplify the judicial process of corrupt cases.

2) It suggested the amendment of the Defence of India Act of 1962.

3) It advised setting up of Independent vigilance commission. It was established in 1964.

4) It suggested amendment of Government servants conduct rules to restrict the employment of retired employees in the private sector. At least for two years retired public servants should not go for job.

5) A request for the amendment of the term "Public Servant". In the year 1964 it was amended.

6) The special Police Establishment should be strengthened.

7) It advised the establishment of the special police.

8) Establishment of vigilance machinery in public sector undertakings.

9) Public servants, ministers and legislators must declare their private property.

10) For Ministers, there must be a code of conduct

Like these number of suggestions and recommendation were given. Most of the recommendations were carried out by different laws and Acts. There were other institutions like central vigilance commissions, Lok Pal and Lok Ayukta to redress the grievances of the citizens.

In India, the demand for creating the institution of Ombudsman was championed by a number of legal luminaries (M.C. Stealvad, L.M. Singhvi, for instance), State administrative reforms committees and by a number of MPs. However, the greatest contributions in this respect has been that of the Administrative Reforms Commission which, in its first report presented on 20th October 1966, recommended the appointment of a Lok Pal and a Lok Ayukta at the Center and of a Lok Ayukta in every state.

The appointment of Administrative Reforms Commission headed by Shri Morarji Desai after become Deputy Prime Minister later by Thiru Hanumanthiah was appointed. The Commission has submitted its report on 20 October, 1966 and

recommended the setting up of Ombudsman type of institution in India for the following reasons.

1. Since a democratic government is a 'government of the people, by the people and for the people', it has an obligation to satisfy the citizen about its functioning and to offer them adequate means for the ventilation and redress of their grievances.

2. The existing institutions of judicial review and Parliamentary control are inadequate in view of the ever-expanding range of Government activities, most of which are discretionary.

The institution of Ombudsman is, therefore, considered by the commission as easy, quick and inexpensive machinery for the redress of individual grievances of the citizens, in the light of the experience of other countries where such office has already been set up. Before laying down detailed provisions as to this office, the commission has formulated the following principles, which should be borne in mind in setting up such institution in India.

1 He should be demonstrably independent and impartial.

2. His investigations and proceedings should be conducted in private and should be informal in character.

3. His appointment should, as far as possible, be non-political.

4. His status should compare with the highest judicial functionary in the country.

5 He should deal with matters in the discretionary field involving acts of injustice, corruption or favouritism.

6. His proceedings should not be subject to judicial interferences and he should have the maximum latitude and powers in obtaining information relevant to his duties.

7. He should not look forward to any benefit or pecuniary advantages from the executive Government.

To Administrative Reforms Commission's report on the subject, submitted in October, 1996, was appended a draft bill for the establishment of a two-tier machinery

of Lokpal and Lokayukta, the former to deal with complaints against the Ministers and Secretaries to the Government at the Center as well as in the states, and latter, i.e., Lokayukta in each State and one at the Center to deal with complaints against other officials

On 5 January 1968, the Union Cabinet decided to appoint a Lok Pal to inquire into the allegation of corruption and mal-administration against Central Ministers and Secretaries On 9 May 1968, the Lok Pal and Lok Ayuka Bill (Bill No. 51 of 1968) were introduced in the Lok Sabha, Where it was passed on 20 August 1969 and then sent to the Rajya Sabha for consideration. With the premature dissolution of the Lok Sabha in December 1970, the Bill, however passed.

Notably, all the bills introduced in the Indian Parliament regarding the appointment of Lok Pal were into similar. While in 1968 the Joint Parliamentary Committee favoured the exclusion of the Prime Minister from the jurisdiction of the Lok Pal, the 1977 Bill excluded "administrative mal-administration" from the scope of the Lok Pal, but widened the concept of corruption to include "misconduct". The 1985 Bill restricted the scope of inquiry only to offences coming under the Indian Penal Code of the Prevention of Corruption Act and, what is all the more notable, it excluded the Prime Minister, the Governors, the Chief Minister and event he chief of public sector corporations from its purview.

Some of the main features of the Lok Pal Bill of 1990 were as follows:

1. The Lok Pal will be a plural body with a chairman and two other members.
2. These three members will be selected from among the existing or retired judges of the Supreme Court.
3. The status and emoluments of the chairman will be similar to those of the Chief Justice of India.
4. The Lok Pal will function through his own independent secretariat, officials and administrative set-up.
5. Without the Lok Pal's consent, the Government cannot take away any matter from under his consideration and hand it over to any other investigating agency under the Commission of Inquiries Act.
6. The Lok Pal will have the final authority to investigate the misconduct and corruption of all public officials, including the Prime Minister.

7. The annual reports of the Lok Pal will be presented to the President of India, who would place it, with his own comments, on the table of both Houses of Parliament within 90 days of its submission.

Some of the matters excluded from the jurisdiction of the Lok Pal were foreign affairs, issuance of passports, national defence and the appointment, salary, demotion and other conditions of services of public servants.

The Lok Pal Bill has recorded into own history from 1968 to the period and the seriousness of Government to eradicate the corruption at the higher level raises some reservation in the minds of people about the political executive. Moreover, the concept of transparency in administration and the citizen character etc., may be helpful to eradicate the corruption and other mal-administration. However, a statutory body of LokPal will be a real threat to prevent corruption.

Model Question for guidance:

Discuss the machinery for the redressal of grievances of people.

LESSON - 20

JUDICIAL ACTIVISM

Judicial Activism is gaining strength day by day, Baxi has rightly stated, 'Activism is one word but constitutes many worlds'. According to another author, "Judicial activism has become as much fascinating as the judicial review, of course, with certain amount of hostility, controversy and apprehension". This statement implies the judicial activism and judicial review are two distinct processes. But the same author in a different context says "Judicial review power of the judiciary aims at activising herself in retaining her domain of judicial activity over the State activity-legislative and executive" Again "Suffice it to say that judicial policy making stems from the function of interpretation of the fundamental law of the land, and as such judicial activism is the assertion of judicial review which is remarkable feat unparalleled in the history of world constitutional adjudication "Sathe begins his book on Judicial Activism by saying, "This monograph is about judicial review and its role in democracy. Judicial review means overseeing by the judiciary of the exercise of power by other co-ordinate organs of governments with a view to ensuring that they remain confined to the limits drawn upon their powers by the Constitution."

Justice M N. Rao begins his article on Judicial Activism by saying that "The concept of Judicial Activism, which is another name for innovative interpretation, was not of the recent past, it was born in 1804 when Chief Justice Marshall, the greatest Judge of the English-speaking world, decided Marbury *Vs* Madison case in U S.A." The cited case is often quoted as a classic example for judicial review. Thus there is some sort of confusion regarding these two processes of judiciary or one may even wonder whether they are in fact in two distinct processes at all. Thomas Sowell is of the opinion that judicial activism has its corollary 'judiciary restraint' He cites a few logical questions that are usually ignored. "Are judges deemed to be activist or restrained towards (1) the current popular majority, (2) the legislature representing the current popular majority, (3) the statutes passed by present or past legislatures, (4) the acts of current or past executive or administrative agencies, (5) the meaning of the words in the Constitution, (6) the principles or purpose of those who wrote the Constitution, or (7) the legal precedents established by previous judicial interpretations of the Constitution.

The Concept of Judicial Activism and Reasons for its Emergence

Administration of justice has to evolve new principles and lay down new norms which would adequately deal with the new problems which arise in a highly

industrialized economy. Correspondingly, the legal institutions of a dynamic and progressive society have to adjust to the changing social and economic realities. They respond to the new urges and aspirations.

Dynamic law strives on happy and harmonious adjustment of human relations by removing social tensions and conflicts and in the process of development. It must adopt itself and be responsive to the needs of the society, because it 'deals not with principles only but with people and also with their lives. In a society where freedoms suffer from atrophy, activism is essential for participative public justice. Social change considerations necessitated our looking at the law not as a set of immutable rules of conduct but self-evolving enterprise directed towards realization of social goals through "judicial creativity." The Courts have, therefore, taken judicial notice of the changed social context in determining rights and obligations of the parties and interpreting the meaning of concepts afresh.

It is an accepted role of the judiciary that the courts have the power of judicial review over legislative measures, statutory rules and regulations and administrative actions and executive orders, it follows that if the judiciary is to perform its true role and dispense justice, "judicial activism" in that strict sense cannot be excluded from the role of the courts as it truly is "judicial creativity"

Concern of Judicial Activism

Judicial activism made its way through "dynamism of judges" and their "judicial creativity" They used judiciary as a means of social and economic revolution and as a means of bringing about a 'social revolution' through judiciary. Judicial activism could not remain concerned merely with the appropriation of increased judicial power, but had to concern itself with the creation of new concepts irrespective of the purposes, which they served. The judges are now amply concerned with the social consequences generated by the creation of new concepts or principles, or with the question as to whom these new concepts and principles are going to serve

Participative and Social Justice

The constitutional mandate to the judges is that while discharging their duties they should keep in view the social and economic objective, which the Constitution seeks to protect, promote and provide, as embodied in the law. The concept is enshrined and well-stated in Part IV of the Constitution dealing with the Directive principles of the State Policy and also the Fundamental Rights detailed in Part III of the Constitution. The socio-economic changes in the country could only be sought

to be brought about, only through the process of law. The judiciary has therefore, a vital role to play in the task of providing social justice to a large majority of people of this country and to fulfill their hopes and aspirations.

Social justice does not aim at providing justice to "haves" and cares least for the "have-nots", viz., underdogs, disadvantages and underprivileged populace. Social justice, therefore, means, "justice which is not confined to a fortune few but takes within its sweep large masses of disadvantaged and underprivileged segments of society which not only penetrated and destroys the inequalities of race, sex, power, position or wealth but is also heavily weighted in favour of the weaker sections of humanity; justice which brings about equitable distribution of the social justice which the law must ensure the people so that rule of law becomes meaningful (and rule of life) and social justice a reality for them".

Rule of Law is that which bears, maintains or sustains the spirit of the social structure, the maintenance of social order and the welfare of humanity. In this enunciation of rule of law is found engrained, the functional or sociological theory of law, which later came to be propounded by Dean Roscoe Pound in the beginning of this century This philosophy of law regards law as an instrument of social engineering. But law can sustain social order and hold together human being constituting the society and it keeps pace with changing social concepts and values. Law which is not dynamic dies out Dynamic law strives on happy and harmonious adjustment of human relations by social tensions and conflicts and in the process of development it must adopt it and be responsive to the needs of the society.

The reasons for justice to be made available to the poorest of the poor who needed it most was simply that their condition still continues to be exploitative, private and traumatic Courts belong so much to the millionaires who are strong enough to defend their interest even without the help of the courts and their presiding deities as to the teeming millions who often found themselves baffled by procedural pitfalls.

Abram Chayes, a distinguished Harvard law professor, in his much discussed article identifies eight ways in which this new kind of litigation differs radically from traditional private law litigation.

1. The scope of the lawsuit is not limited by a specific historical event, such as a breach of contract or personal injury, but is consciously shaped by the court and parties.

2. The party structure is not limited to individual adversaries but is sprawling

and amorphous.

3. The fact inquiry is not a simple investigation of past historical events but rather resembles the kind of inquiry into current problems undertaken by legislative bodies

4. Relief is not limited to compensation for a past wrong, instead it is often prospective, flexible and remedial having broad impact on many persons not party to the lawsuit.

5. The relief is often negotiated by the parties rather than imposed by the court.

6 The judgment does not end the court's involvement but requires a continuing administrative judicial role.

7. The judge is not passive but takes an active role in organizing and shaping the litigation.

8. The subject matter of the lawsuit is not a private dispute but rather a grievance about public policy.

Public Interest Litigation

First development and rapid advancement of public interest litigation by the ever-changing judiciary, naturally involved invention of new styles of procedure, creation of new rights and providing of new remedies. Public interest litigation at once accepted the new challenges and provided new opportunities to the socially spirited citizens, groups and organizations for the representation of the people's interest at large by giving free access to serve society and reach justice to much wider section of the people who deserved them most and thereby encouraged public participation in administrative functioning.

Following new rights have emerged from active judiciary through public interest litigation

They are :

1. Right to free legal service

2. Fundamental Rights to speedy trial in criminal cases.

3. Right to Bail.

4 Right to know and access to information.

5. Right to protection against injurious drugs and other health hazards.

6. Protection against social oppression.

7. Protection against lawlessness of the State.

8. Right to protection of constitutional concepts.

9. Right to environmental protection, protection of natural gift and ecological balance

10 Child welfare through legal activism.

11. Right to civil amenities.

12. Right to implementation of schemes.

Model Question:

Examine the need for Judicial Activism.

LESSON - 21

ADMINISTRATIVE REFORMS

Soon after independence, the central government became increasingly concerned over the rapid growth of the administrative machinery and the mounting expenditure on it. It, therefore, set up in 1948 the Economy Committee under the chairmanship of Kasturbhai Lalbhai, a noted industrialist, to review the increase in the civil expenditure of the central government since 1938-39 and to make recommendation for the promotion of true economy in the administration by the elimination of unnecessary, wasteful and extravagant expenditure As a result of this committee's recommendations, economy committees were set up in various ministers and departments with a view to scrutinizing their existing and projected activities to see whether any of them could be reduced, postponed or abandoned The Government also set up in 1952 a special unit in the Home ministry to review the staffing requirements of different ministries/departments.

A year later in 1949, the government deputed one of its senior ministers, N Gopalaswami Ayyangar, with a laudable civil service background, to report on the reorganization of the machinery of government. His report stressed the need for continued maintenance of efficiency in the organizations of governmental establishments and public services and methods of transaction of public business. It recommended three steps of bringing about improvement in administration : (i) organizational changes in the existing set up of the machinery of government; (ii) improvements in the sphere of personnel administration, designed to secure a progressive improvement at all levels in the caliber of personnel employed; and (iii) improvement in the methods of transaction of government business, administrative and financial. It also recommended the setting up of "Organization and Methods Division" similar to comparative agencies in the United States.

A year later, Asok Chanda, who rose to be Comptroller and Auditor-General of India, at the request of Prime Minister Nehru, submitted a report entitled "Notes on changes necessary in the system of budgetary and financial control and in other matters to eliminate delays in the execution of projects". In his note Chanda had recommended "greater measure of delegation, creation of more All-India Services, adoption of officer-oriented system of functioning, constitution of a common service divided vertically into departments to provide for specialized training in the different spheres of governmental activity." However, this note never saw the light of day.

The Estimates Committee of the Union Parliament was another body concerned with administrative reforms. Its second report on reorganization of the secretariat and departments (1950-51) and the ninth report on administrative, financial and other reforms (1953-54) are noteworthy in this connection.

Summary of Recommendations of the Report of Shri A.D. Gorwala

Shri A.D. Gorwala submitted his report in the first quarter of 1951. He made the following main recommendations;

(i) Parliamentary government with a cabinet system on the British model cannot be effective, unless the standard of morality of those who work it is high and the general public believe it to be so. Gorwala insists on the maintenance of moral standards among ministers, legislators and administrators and ascribes the fall in standards of public administration to corruption, patronage and influence. It vitiates policy, weakness administration and undermines public confidence.

(ii) He suggested proper relationship between Administrative Ministries and the Finance Ministry. Financial control is desirable but financial interference should be avoided.

(iii) The Minister should confine himself to matters of policy and leave the initiative to the Secretary.

(iv) There should be created an O and M Branch in the Government and a Board of two members should be set up to provide necessary drive and direction to administration.

(v) Parliamentary control over the working of Ministers and more especially over expenditure is most desirable.

(vi) More junior officers and less clerks should be appointed.

(vii) Discipline in government offices has been the first victim of independence. To bolster the discipline, he recommended promotion on the basis of good work.

(viii) Whitley Councils on the pattern of U.K. should be established.

(ix) Training, besides aiming at precision and clarity in the conduct of business and improvement of staff morale, must also encourage the civil servant to

see his work in its widest context and to preserve with his own educational development. It must prepare him for higher work and greater responsibilities and attune his outlook and methods to the needs of changing times.

(x) The Principal of the I.A.S. Training School be absolved of other department responsibilities.

(xi) Director of Training and Organization and Methods with requisite staff and office should be immediately appointed.

(xii) Recruitment to all grades of government service should be conducted in a manner which eliminates scope for patronage and suspicion of patronage. All posts, whether temporary or permanent, should be filled up by the Public Service Commission.

The Government of India accepted Gorwala's recommendation to set up an O and M branch in the Government and allowed the rest of the report to lie on the shelf.

Summary of Recommendations of the Report of Appleby

N. Appleby was appointed to enquire into the administrative machinery and make his recommendations there upon by the Government of India in September, 1952. He submitted his Report in January, 1953. He has summarised his chief recommendations as follows;

(i) An Organization and Management or Public Administrative office directly under a minister of the Government should be set up. It should focus attention and study on proposals concerning the improvement of governmental structure and procedures.

(ii) An Institute of Public Administration for India should be established. It should serve as a nucleus of a professional journal, expansion of studies and development of literature towards advancement of administrative knowledge.

(iii) An academic graduate programme in public administration should be evolved for young persons in association with this institute.

(iv) Procedures at different levels of government should be simplified and expedited in all developmental and social action fields.

(v) The administrative hierarchy should take a more truly pyramidal form with more executives at most levels. The number of levels should be increased.

(vi) More flexibility and discretion should be allowed to administrative agencies in co-operation with the P.S.C. in regard to recruitment of personnel.

(vii) Extensive and sustained Personnel Development Programmes to maximum the potentialities of public personnel should be undertaken.

Appleby produced his second report in 1956. The main recommendations are as follows;

(i) New levels of co-ordination below the level of cabinet and below the level of Minister should be provided structurally.

(ii) Provision should be made for recruitment and training of generalist administrator, and technical administrator.

(iii) Structural and Procedural arrangements should be made for the growing size of administration

(iv) An official called Programme Expediter or Plan Expediter should be appointed in the Central Secretariat who will be responsible for overcoming all hurdles, viz., red tape, inadequate staff, and for overseeing the fulfilment of the plan.

(v) There should be appointed a Finance Officer with the parent ministers to develop financial and budgetary competence

(vi) There should also be appointed an Expenditure Secretary in the Finance Ministry to accelerate decision making. None of the three officers should be deemed permanent additions to the administrative structure but should be set up as temporary expedients to hasten reviewing and decision making functions and to provide speed to governmental processes by eliminating reviewing agencies at all stages.

(vii) The Reports of the Comptroller and Auditor-General contain too much trivial matters. These ought to be shorter and selective.

(viii) The principle of delegation should be applied to the field of administration. The Parliament should not go into petty details in the name of parliamentary control and public accountability. It should raise itself to the appropriate

high level of direction. Its role should be a positive one where it would stop looking for things to criticise and begin looking for things to praise.

(ix) Board of Directors for companies and corporations should work on the principle of delegation. The Board should have two functions, one of evaluation and the other co-ordination.

(x) Central Purchase and Central Construction retard operation of large undertakings.

(xi) The Comptroller and Auditor-General should be relieved of the responsibility of audit. The auditors should not assume the role of judges of policy administrative judgments or public interest.

(xii) The layout, the hiearchical structure and the location of plant of the public undertaking should be determined with a view to future growth and enlargement.

(xiii) The public employees should be paid adequate salaries, "Since future prosperity of the country is dependent on the success of the Indian Government, people must be willing to pay what adequate and successful government will cost."

Only a few of Appleby's recommendations have been accepted by the Government and action taken thereupon.

Organisation and Methods

An independent, permanent agency was set up in 1954 to attend solely to the design and structure of the administrative machinery and methods and procedures of its working. This new development did not completely replace what has come to be known as the committee process. One important defect of the committee process was the absence of a centralized agency, which could concentrate on and coordinate administrative changes and other scattered activities relating to administrative improvement. It was against such a background that the Government of India accepted Appleby's recommendation to set up an organization and methods agency at the center As regards structure, the first question that arose was whether there should be a centralized directorate of O & M or whether a group of O & M workers should be located in every large ministry or department. After some deliberation it was decided to have a headquarters directorate of O & M and to attach separate O & M units to all ministers, departments and offices.

It was suggested as early as 1952 in an official note that the proposed directorate should initially consist of a director with appropriate status, not necessarily on a full-time basis, and one assistant director who should preferably be a junior depute secretary with some experience of state and district administration, six O & M investigators of the rank of section officers and the supporting clerical staff. This suggestion was implemented with minor changes when the O & M division was finally set up in March 1954.

Regarding the scope of the new agency, Appleby had envisaged a comprehensive role for it. In his report he had recommended, "that the Government of India give consideration to the establishment of a central office charged with responsibility for giving both extensive and intensive leadership in respect of structures, management and procedures. At one level of highly technical and specified sort, it would give attention to work measurement, workflow, office management, filing system, space arrangements and the like; at the another level it would be charged with general governmental structural studies and proposals. I should hope that at this level also it would have a charter of responsibility for the enhancement of democratic manner method within the bureaucracy and between the bureaucracy and the public." The official note A plan For An Organization and Management Directorate in India had suggested gradual extension in the activities of the O & M directorate. As a first step the directorate was to carry out pilot investigations in suitably selected officers which will provide some experience for O & M work to the group of workers selected offices for the purpose; to train a group of workers who will form the nucleus of the directorate; to popularize the fundamentals in organization and Methods activities in other countries. At the next stage the directorate was to take in hand the full-fledged programmes of carrying out investigations of offices on request and of arranging for the training of O & M workers required for O & M units in the central ministries/departmental and state governments.

The central O & M division (home ministry), the Special Reorganization Unit (finance ministry) and the Committee on Plan Projects (Planning Commission) were engaged in useful tasks in their respective spheres of work, yet they worked in 'splendid isolation' till March 1960, when a bold and imaginative step was taken to coordinate their activities under a common head by appointing the chief of the Special Recognition Units, who was already the secretary of the Committee on Plan Projects, as the director of the O & M division. Under the dynamic leadership of the new chief, the three separate and isolated O & M agencies acquired a unity of purpose and combined to form the 'O & M group'. The three agencies evolved a common objective

and developed a common programme of administrative research, which for the sake of convenience, was organized in three sectors. Thus, the O & M division was placed in charge of administrative analysis designed to improve procedures, relationships among constituents elements, skills for management and programming, communication and organizational competence; development of responsibility among various classes of civil servants; and improvement in office facilities and other aspects of the machinery of the government.

Summary of Recommendations of the Report of Administration Reforms Commission (ARC)

The A.R.C. was appointed on the 5th January, "to examine the public administration in this country and to make recommendations for reforms and reorganisation with a view to ensuring the highest standards of efficiency and integrity in the Public Services, and for making public administration a fit instrument for carrying out the social and economic policies of the Government." The following were the major areas allotted for the consideration of the Commission:

(1) The machinery of the Government of India and its procedures of work;

(2) The machinery for Planning at all levels;

(3) Centre State relationships;

(4) Financial Administration;

(5) Personnel Administration;

(6) Economic Administration;

(7) Administration at the State level;

(8) District Administration;

(9) Agriculture Administration;

(10) Problems of redress of citizens' grievances.

Shri Moraji Desai was appointed the Chairman of the Commission, but on March 13, 1967 he became the Deputy Prime Minister and his place was taken up by Shri K. Hanumanthia. The Commission has submitted 20 Reports. It was wound up on June 30, 1970, its work having been completed. The Commission has made 537 recommendations. The following ones deserve a special mention:

The Machinery of Government

(i) The size of the Council of Ministers should be determined primarily by administrative needs, and there should be rational combination of subjects into ministerial portfolios.

(ii) A Department of Personnel should be set up under the Prime Minister and its main functions should be the formulation of personnel policies and review of their implementation, talent-hunting, development of personnel for senior management and processing of appointments to senior posts, manpower planning, training and career development and research in personnel administration.

(iii) There should be only two levels of consideration below the Minister, namely, (i) Under Secretary/Deputy Secretary, and (ii) Joint Secretary Additional Secretary/Secretary. Work should be assigned to each of these two levels on the lines of the "desk-officer" system in which the officer concerned will himself dispose of a substantial amount of work with the necessary staff assistance.

(iv) The role of the Cabinet Secretary should be that of a general co-ordinator and principal staff adviser to the Prime Minister, the Cabinet and the Cabinet Committees.

(v) Responsibility for overall co-ordination within a Ministry which has more than one Department Secretary, should be specifically assigned to one of the Departments/Secretaries most appropriate for this purpose.

(vi) The existing O & M units in different Ministries/Departments should be reactivised.

(vii) The Department of Administrative Reforms should be placed directly under the Deputy Prime Minister.

Centre-State Relationships

(i) An Inter-State Council should be constituted consisting of the Prime Minister as Chairman, the Finance Minister, the Home Minister, the Leader of the Opposition in the Lok Sabha and five representatives one each from the five Zonal Councils. Its functions will be as indicated in Article 263 of the constitution.

(ii) Powers should be delegated to the maximum extent to the States with regard to their work on projects in which the Centre is directly interested or which are carried out by them as agents to the Central Government.

(iii) The Finance Commission may be asked to make recommendations on the principles which should govern the distribution of Plan grants to the States. The appointment of the Finance Commission may be so timed that when making its recommendations it will have before it an outline of the 5 year Plan as prepared by the Planning Commission.

Personnel Administration

(i) The Government servants should have no right to strike and their grievances should be settled through Joint Consultative Machinery and Civil Service Tribunals.

(ii) There should be a unified grading structure for the entire Civil Service, so as to facilitate the movement of officers from one area to another for which they are qualified and in which they may be required.

(iii) The percent system of confidential reports should be replaced by performance reports, in which every Government Servant will have an opportunity of giving a resume of his performance during the year and getting his merits properly assessed for the purpose of promotion.

(iv) Greater opportunities should be provided to Government servants of lower ranks to rise rapidly as high as their competence and performance warrant.

(v) There should be an improvement of recruitment policies and procedures pruning of excessive personnel, abolition of unnecessary and ineffective organisations, fixation of work norms, simplification and codification of rules, rationalisation of holidays and strict limitation of overtime work and transfers.

(vi) The functions of Government have become greatly diversified. Wherever the numbers involved in a particular function are viable, the posts should be grouped into regularly constituted services.

(vii) A functional field must be carved out for the I.A.S.

(viii) There should be set up a Central Training Division in the Department of Personnel.

(ix) A civil servant may be allowed to retire voluntarily after he has completed 15 years of service and given proportions pension and gratuity.

(x) Both the husband and wife should not be employed under Government at the same time to relive the problem of mounting unemployment.

(xi) The quantum of pension admissible may be raised to 3/6ths of the average emoluments of the last three years as against the existing 3/8ths.

Finance, Accounts and Audit

(i) The departments and organisations which are in direct charge of development programmes should introduce Performance Budgeting, which would inter-relate financial outlays with physical targets and achievements and present estimates and expenditure in terms of functions, programmes, activities and projects

(ii) Audit should aim at a positive and constructive approach directed towards seeking improvements in organisational efficiency and effectiveness of financial rules and procedures.

(iii) The present system of internal financial advice should be strengthened, as to develop financial competence within each Ministry or Department.

(iv) The 1st of November should begin the Financial Year, so as to facilitate a more realistic assessment of revenue and an even spread of expenditure.

(v) The Commission did not consider the question of separation of Audit from Accounts.

Economic Administration

(i) A high powered Commission on 'Prices, Cost and Tariff' should be set up to assist the Government in evolving rational price policies and in creating a climate of cost-consciousness and also to take over the functions of the Tariff Commission.

Public Sector Undertakings

(i) The practice of deputing Government officers for temporary service in public undertakings should cease.

(ii) 'Sector Corporations' one for each major area of enterprise should be set

up with the main function of promotion and development in that area, including the setting up of new projects.

(iii) The Bureau of Public Enterprises should be reorganised so as to make it a more effective service agency for the Ministers and the public undertakings.

(iv) Four or Five Audit Boards should be constituted, each for a specified section of public enterprise, for conducting efficiency audit and appraisal of performance

The Planning Commission

(i) The Planning Commission should confine itself to the formulation of plans and evaluation of plan performance; it should have no executive function and authority.

(ii) The National Development Council which is at present composed of the Prime Minister, Deputy Prime Minister, if any, and of the Chief Ministers of all the states, should have also the Union Ministers of ten important departments.

Redress of citizens' grievances

(i) Special officers should be established for the redress of citizens' grievances. There should be one authority-Lok Pal-dealing with complaints against the administrative acts for Ministers or Secretaries to Government at the Centre and in the States

(ii) There should be another authority - Lok Ayukt - in each State and at the Centre for dealing with complaints against the administrative acts of other officials.

State Administrations

(i) The Council of Ministers in a State should be compact and homogeneous, its size being determined by administrative needs. In big States the number of Ministers may range between 20 and 25, in middle-sized States from 14 to 18 and in small States between 8 and 12.

(ii) The full Cabinet should meet at least twice a month

(iii) Ministers should not intervenes in the day-to day administration except in

cases of grave injustice, serious default or mal-administration on the part of civil servants.

(iv) The Standing Committees of State Legislatures may be set up in selected areas of administrative activity for promoting detailed legislative review.

(v) Steps should be taken by the Union Government and the State Government to reduce expenditure on Governors and Raj Bhavans in conformity with the objectives of a democratic socialist society.

(vi) The existing executive departments should be so reorganised that needless multiplicity is removed and diffusion of functions and responsibility is avoided.

(vii) In departments dealing with specific subjects, there should be set up two 'staff' cells, namely, (i) combined cell on planning and policy; and (ii) a finance cell

(viii) A Departments of Personnel should be set up under the charge of the Chief Secretary and be placed under the Chief Minister.

(ix) There should also be set up in each administrative department a Policy Advisory Committee.

(x) The proliferation of personnel under the State Governments must be checked O and M Divisions must be activised

(xi) A convention should be established whereby the Public Service Commissions are consulted by State Governments before the later exempt any case or types of cases from the purview of the State P.S.C.

District Administration

(i) The judicial work of the Collector should be transferred to the judiciary.

(ii) The District Administration should be divided into two sectors-one concerned with 'regulatory' functions and the other with 'development' functions. The District Collector should be the head of the former and the Panchayati Raj Administration should have the responsibility for the latter.

(iii) There should be only two administrative units whose heads are invested with powers of decision making in the district administration-the one in the

tehsil taluka or a group of tehsils/talukas or a sub-division and the other at the headquaters of the district.

(iv) The district level officers incharge of development departments should be transferred to the jurisdiction and charge of the Zilla Parishad.

(v) A senior officer, designated as District Development officer, should be appointed as the Chief Executive officer of the Zilla Parishad.

(vi) A district Tribunal consisting of the Collector and a subordinate judge should hold inquiries in cases where removal of members of Panchayati Raj bodies is involved.

Some of the recommendations of the Administrative Reforms Commission have been accepted by the Government while others are receiving serious attention. There is no doubt that when all the recommendations are fully considered and final decisions are taken, there will be a considerable change in the administrative machinery of this country and administration will become a fit instrument for realising the goals enshrined in the Preamble to the Constitution.

Out of the ashes of the O & M group was born the Department of Administrative Reforms in the Ministry of Home Affairs in March 1964 This meant the breaking up of the unified O & M set-up. The O & M division was transferred to the new department; the Special Reorganization Units (SRU) became the Special Inspection Unit (SIU) concerned with work measurement studies and staff assessment, following the delegation of increased financial powers to administrative in June 1962. Similarly, with the expansion of its activities, it was considered desirable to separate departments of Administrative Reforms was "brought about by the need for operating on a vaster area than before and effecting improvement in administration on a larger scale and by the shift in emphasis form mere economy and routine office procedures to administrative reforms in its broader sense. The work and the work-load justified the creation of separate Department which could cover a large range of the varied and complex problems of administration."

The department functioned under the general guidance of the Committee of Administration, which had been set up in August 1961 to integrate the activities of the O & M group. It consisted of the Cabinet Secretary as the Chairman, six senior secretaries and the joint secretary of the department as member secretary. This small group of top officials as expected to look continuously into the question of improving administration. It did so by keeping a watch on the programmes of the department and acting as a clearing-house for ad hoc problems that arose. It also

submitted reports on specific problems to the cabinet. The committee met nearly five times a year and finalized the functions. They were,

1. To locate important and initiate studies in respect of them.

2. To examine the organization and procedures of selected departments with the object of eliminating problems of corruption at different points of the administrative machinery

3. To examine the question of setting up of a machinery for the redress of grievances of citizens.

4. To make a rapid scrutiny of past recommendations and conclusions of committees/commissions/individuals with the object of picking up points that could and should be implemented without further enquiry.

5. To prepare simultaneously the ground for a comprehensive investigation of the entire administrative system in the country.

6. To continue the earlier work of the organization and methods division

The activities of the Departments of Administrative Reforms can well be studied under these broad headings: management advice, implementation; liaison and coordination, training; administrative intelligence; assisting Administrative Reforms Commission; and miscellaneous.

Assisting Administrative Reforms Commission:

After the setting up of the Administrative Reforms Commission in January 1966, the department put aside most of its normal work and placed its services at the disposal of the commission The Joint Secretary to the commission The duty of organizing studies for three of the study teams was allotted to the department These teams were The Study Team on the Machinery of the Government of India and its Procedures of Work, Study Team on Center-State Relationship and the Study Team on Defence. In addition, much of the work-load of follow-up of the commission's reports fell on the department

The Commission was entrusted with onerous responsibility and given comprehensive terms of reference, namely, "to examine the public administrative of the country and make recommendations for reform and reorganization where necessary" Sectors of administration mentioned in the terms of reference included the machinery for planning at all levels; center-state relationships; financial

administration; personnel administration; economic administration; administration at the state level; district administration; agricultural administration.

Recommendations of Administrative Reforms Commission regarding the working of the Department of Administrative Reforms; Summarized below are the major recommendations of the Administrative Reforms Commission in respect of formulation and implementation of administrative reforms:

1. The Department of Administrative Reforms should confine itself mainly to (a) studies on administrative reforms of a foundational character, (b) building up O & M expertise in ministers/departments and training the personnel of their O & M units in modern techniques of management, and (c) advice and guidance to those O and M units in effecting administrative improvements and reforms.

2. The existing O & M units in different ministers/departments should be activated.

3. A Special cell on "perspective reforms" should be set up in the central reforms agency.

4. In its methods of work staffing pattern and organizational structure, the central reforms agency should be research-oriented.

5. The departments should be placed directly under the deputy prime minister.

6. It is necessary to develop strong, autonomous professional institutions, which will promote original thinking on administrative reforms and innovations.

7. There should be set up a council on administrative reforms to advise the central reforms agency on the planning of its programme to work, to review progress, to help induct fresh thinking into its working, and to coordinate the activities of the different professional organizations engaged in research on problems of public management.

Kothari Scheme of Competitive Examinations

In 1976 the Government of India has appointed the Committee on Recruitment Policy, and Selection Methods under the Chairmanship of D.S. Kothari. The Kothari scheme of competitive examinations assumed all services to be of equal importance to the nation and prescribed a single examination-to be known as the Civil Services

Examination-in place of the existing three categories of examination (one for.the Indian Foreign Services and the Indian Administrative Service, another for the Central Services, and the third for the Indian Police Service). This examination would consist of two parts-a qualifying preliminary examination, which was to be of an objective type, and the main examination comprising a written test and interview.

The need for a change in the scheme of competitive examination arose primarily on account of an enormous increase in the number of candidates writing it. In the mid-seventies nearly 40,000 candidates were appearing at the competitive examination, which was rather senseless, since there were only around 400 vacancies. Thus viewed, the Union recruiting one. The preliminary examination of the Kothari scheme purported to perform the gate-keeping job - that is, to keep out those not having the minimum range and depth of knowledge.

A remarkable feature of the scheme was that it provided for permitting the use of an Indian language in place of English for writing the papers (except the English and the language papers). This was in continuation and reiteration of the official policy first announced in 1968.

Committee on the Civil Service Examination (1988-89)

The Committee to Review the Scheme of the Civil Services Examination, which submitted its report in 1989. Appointed by the Union Public Service Commission in September 1988 under the chairmanship of Satish Chandra, it was called the Committee on the Civil Services Examination. The task of the committee was to review and evaluate the system of selection to the higher civil services introduced from 1979 in pursuance of the Kothari Committee on Recruitment Policy and Selection Methods (1974) and to make recommendations for further improvement of the system". The Satish Chandra Committee submitted its report in August 1989. The major recommendation of this Committee was that, an essay paper for 200 marks should be introduced in the main examination. Candidates should be allowed to answer this paper either in English or in any one of the Indian languages mentioned in the eighth schedule of the Constitution.

Globalisation and Administrative Reform

Economic reforms were focussed in the early 80s with the announcement of a new industrial policy. Government had set up the Arjun Sengupta Committee and the L.K Jha, Economic Administration Reforms Commission. Measures were taken to free industry of unnecessary restrictions on production and reduce import controls. Foreign companies were invited to India as part of the regular policy. In 1991, the finance minister announced what is known as the New Economic Policy, making a

radical departure from the Nehruvian philosophy and heralding the era of globalisation, liberalisation and free-market economy characteristic of the western nations.

Privatisation under the new cult is on the increase everywhere, which means the retreat of the state. Ascendancy of economic liberalisation and free market economy does not in reality, mean complete roll back of the state: the importance of public administration is not to decline under free economy. What is to happen is a change in its role from 'rowing' to 'steering', to use David Osborne and Ted Gaebler's terms. The public administration's new role is thus of facilitator and stimulator, to see that the expanding private sector plays the game within the framework of the country's laws and regulations.

Privatisation of industries was to be promoted. The World Bank and the International Monetary Fund (IMF) greeted the liberalisation measures, and aid and assistance began flowing to India in generous doses. In a letter dated 27 August 1991 to the World Bank, the finance minister reiterated India's determination to augment economic growth, reduce the rate of inflation and adopt various measures to make the economy market friendly. To attract loans and assistance from international organizations, India had to adopt many of their suggestions considered vital for injecting dynamism into the economy. The Indian rupee was devalued twice. In short, the new economic policy led to replacement of the mixed economy by a market-friendly economy.

Privatisation in the from of downright sale of public enterprises is still more in the realm of speculating than reality although mention must be made of privatization, in early 2001, of the Bharat Aluminium Company (BALCO) and earlier of the Modern Bakery. Maruti Udyog, the well-known public sector manufacturers of the Maruti cars, has been privatized, but that was provided in the original contract itself and thus cannot be called privatization in the real sense of the term. Globalisation is conditioning public administration in an ever-growing way.

New Economic policy heralding liberalisation does not imply that the state in India would turn a blind eye to ground level realities and withdraw totally from the social space. Retreat of the state is not population lives below poverty line and the rate of illiteracy is still disturbingly high, public administration has to intervene effectively in public health, education, social welfare and related areas of activity. A large segment of public administration dealing with social services, like education, health care, sports, culture, etc., would continue to be importance even under economic liberalisation.

Administrative re-inventing is a continuous exercise and it is primarily the

responsibility of the head of an organization to ensure optimum efficiency and citizen friendly orientation (particularly if this is a public dealing agency). It must be made absolutely clear that administrative re-inventing is no substitute for the ordinary officer's neglect of his duty.

Under economic liberalization, India has expected foreign capital to invest in priority areas like infrastructure. Instead, private sector wanted to make a fast buck and entered the consumer market, which yielded quick returns.

Of immediate concern to the society is viewed on reduction of the size of the public bureaucracy by 30 per cent. Government job is widely viewed as a kind of employment generating scheme; a sort of Jawahar Rozgar Yojana. At present, India is suffering from a highly bloated bureaucracy. Its size in 1947 was about 12 lakhs, which increased to 17.73 lakhs in 1957, and to 29.82 lakhs in 1970. In 1994 the central bureaucracy comprised 38.76 lakhs personnel, which is too big a number. Pruning the administrative machinery is therefore an urgent requirement of Indian administration. The fifth pay commission's recommendation of straightaway abolition of the backlog of 3.5 lakhs already vacant posts only supports the maintenance of status quo in regard to numbers, and is not a positive measure of administrative reform. Secondly, the recommendation that further employment of junior staff be frozen and a sharp cutback in the intake of executives is at best a pious hope being too general a recommendation.

Since the 1990s, India had identified four principal thrust-areas for administrative reform. Public administration of the country must be made accountable and citizen friendly. Secondly, it must ensure transparency and endow the citizens with the right to information. Thirdly, corruption in administrative being presently widespread, it must promote integrity in the public services and motivate the civil service. Fourthly, public administration must be result-oriented and improve performance. In its effort to make administration responsive to citizens and accountable, citizen's charters are being issued. It is proposed to discuss (i) Responsive Administration (ii) The Lok Pal, and (iii) the Citizens Charter.

Responsive administration is ensured in what has come to be known as the Batho Pele Principles. These principles put the citizens first in a search for efficient public service delivery. These principles were proclaimed by South Africa in 1997. The conference of Chief Ministers held on 24 May 1997 discussed an Action Plan for Effective and Responsive Government at the central and state levels.

The conference resolved that the Central and state governments would together

to concretize the action plan dealing with the following themes:

(i) Accountable and citizen-friendly government.

(ii) Transparency and right to information; and

(iii) Improving the performance and integrity of the public services.

Transparency and Right to Information

The conference recognized that secrecy and lack of openness in transaction is largely responsible for corruption in official dealings, and is also contrary to the spirit of an accountable and democratic government. Steps would be taken to ensure easy access of the people to all information relating to government activities and decisions, except to the extent required to be excluded on specific grounds like national security.

Improving the Performance and Integrity of the Public Services

The conference noted that people-friendly and effective administration depends on cleansing of civil service at all levels, adherence to ethical standards, commitment to basic principles of the Constitution, and clear understanding of the relationship regulating the politicians and the civil servants. It was agreed that elimination of corruption in the public services would require prevention, surveillance and deterrent prosecution. It would also need to deal ruthlessly with the instances of nexus among politicians; civil services would be curbed so as to minimize its impact not only on the morale and motivation of the services, but on the sustained flow of responsive services to the public and efficient of schemes.

Citizen Charter [CC]

This is a form of a non-agency device for the people's participation. Prof. R.B. Jain [1998] has described it as a 'customer driven, efficient and prompt service to customers and clients'. It started in U.K. when the conservative government of John Major issued a White Paper in the shape of Citizen's Charter [CC] in June 1991. It is based upon four main themes Quality, Choice, Standards and value. It was a device to build the power of the public services user or to reduce the provider domination of public services Major remarked, 'it will be a centrepiece for our policies in the 1990's. It want to see public services in which the passenger, the patient and the parent can have confidence and in which public servants can have pride. That is the idea behind the Citizen's Charter."

The 1991 White Paper give 6 principles as basic to Citizen's Charter. They are

- Standards
- Openness
- Information
- Choice
- Non-discrimination
- Accessibility

In 1996 another White Paper was published in UK on an evaluation of the Citizen's Charter. It was 'The Citizen's Charter-Fiver Years On'. In USA the Public Utilities Regulatory Commission and the Board of Regulatory Committee serve people and public utilities. In India the initiative towards the Citizen's Charter was taken by the Department of Administrative Reforms and Public Grievances [AR & PG] through their 'Concept Note of Citizen's Charter.' The Conference of the Chief Secretaries on 20th Nov. 1996 had shown concern towards eroded credibility and effectiveness in 'Civil Services' It also pointed out the 'unholy nexus between certain elements among politicians and civil servants and criminals, low level of honesty transparency and accessibility to administration.' This concern led to the Chief Minister's Conference in New Delhi on May 24th 1997, which adopted the Action Plan for effective and Responsiveness Administration'. The Department, which had the greatest public dealing, likes the railways; telecom and the postal departments were asked to take the lead for framing the Citizen's Charter. According to the study by Arvind K.Sharma and Indu Sharma at the Indian Institute of Public Administration in June 2001, titled 'Citizen's Charters in India-A study of Implementation Process', has mentioned 65 Charters at the Union level, 27 in the Public Service Banks, 4 in the Hospitals and several Charters in the health sector. Some states like Goa, Haryana, Himachal Pradesh, Tamilnadu, Rajasthan and Delhi have adopted the Charter Scheme.

In India the Charter system is being used increasingly to make the departments accountable to people directly. However its use is dependent upon several other socio-economic factors and the political stability in the country.

Model Question :

Write an essay on Administrative Reforms in India.

MODEL QUESTION PAPER

INDIAN ADMINISTRATION

Answer any Five questions.

Time 3 hours *Marks 100*

1. Trace the evolution of Indian Administration.

2. Describe the organisation and functions of Cabinet Secretariat.

3. Bring out the importance of Home Ministry.

4. Discuss the centre-state Relations.

5. Bring out the Rights and Duties of civil servants.

6. Write an essay in Public Sector Undertakings .

7. Critically evaluate the role of Governor .

8. Explain the changing role of Distinct Collector.

9. What is Ombudsman? Explain its functions.

10. Explain the different phases of Administrative Reform undertaken in India